

# EXHIBIT 1

**CQ Congressional Transcripts**

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# Senate Judiciary Committee Holds Hearing on Department of Homeland Security

## LIST OF PANEL MEMBERS AND WITNESSES

DICK DURBIN:

This meeting of the Senate Judiciary Committee will come to order. At the outset, I'd like to offer my condolences to the families of Nashville, Tennessee and to our colleague Senator Blackburn for yesterday's horrific shooting at the Covenant School. We're 93 days into this calendar year. So far, we have had 131 mass shootings in the United States.

Congress and the -- and the Supreme Court have allowed this tragic situation to become the new norm in America. Are we going to do something about it? I certainly hope we do. Today, Secretary Mayorkas is making his second appearance before this committee in just over two years on the job. Notably during the previous administration, the Homeland Security secretary appeared before the committee one time in four years.

This regular, annual oversight hearing is very important as a major function of the Senate Judiciary Committee and an important part of our role in government. Secretary Mayorkas, thanks for being here. As I told you yesterday, I think you have one of the most difficult jobs in the administration. After reading your 26 page opening statement, I

want to amend those remarks with the possible exception of the Secretary of Defense, I think you have the most challenging job in this administration.

The Department of Homeland Security is responsible for safeguarding our nation facing a broad range of challenges. It bears noting what they include; responding to horrible and uniquely American phenomena like mass shootings and the tragedy in Nashville; responding to natural disasters like the tornadoes that devastated Rolling Fork, Mississippi; combating terrorism and the rising tide of domestic violent extremism; addressing the surge in cyberattacks against our schools businesses and critical infrastructure; overseeing our nation's borders; immigration system and transportation security, And that's just the beginning.

While the Biden administration has taken important steps to confront these challenges, we have a job to do in Congress. We must remain vigilant and do our part to provide the tools and resources to address these challenges. You're going to get a lot of questions about the southern border. I'm sure you know that.

But here's the real question. What is it that Congress needs to do when it comes to immigration in this country? We can certainly find fault with what you have done. We've done it before with previous administrations as well. But what are we willing to do? It's easy to be critical, but every member of Congress needs to look in the mirror.

Only Congress can actually fix our broken immigration system. I've tried for many years to work on a bipartisan immigration bill, but many have stood in the way and said nothing. They don't want any part of a solution. I want to commend my ranking member Lindsey Graham. Lindsey, it's been ten years since the Gang of Eight got

together and produced a bill, which passed with a strong bipartisan vote on the floor for comprehensive immigration reform.

Unfortunately, it didn't become an item of business and the Republican-led House in 2013 and died as a result. That's why your testimony before this commission -- committee rather, it basically tells us we still have a job to complete. Sadly, Republicans in the House seem to approach the same thing today as they had ten years ago, to do nothing to block attempt at reform and criticize anyone who suggests a solution to the problem.

One leading House Republican has called for defunding -- defunding, the Department of Homeland Security, unimaginable. Mr. Secretary, you're going to receive a lot of questions today and some for me about fentanyl. This is a serious deadly problem. With fentanyl flowing in the United States from two major Mexican cartels.

It requires quick, thoughtful, urgent action, But we have to be clear eyed about what we're doing. Some are pushing the narrative that asylum seekers are smuggling fentanyl across the border, but the facts tell a different story. It is predominantly US citizens entering legally at ports of entry who are bringing these dangerous drugs into the United States.

So it's hard to understand why some have opposed funding for technology like non-intrusive inspection systems to help Customs and Border protection officers to detect fentanyl and vehicles coming through these ports of entry. The reality is DHS is working aggressively. The department just started a new coordinated surge campaign Operation Blue Lotus, which stopped more than 900 pounds of fentanyl in its first week.

We'll have to ask you some questions about that, explore where you're headed with that program. I hope we can work together. I also want to note the obvious, our legal immigration system needs to be changed, especially at a time when our country has a desperate need for workers. We have 11 million unfilled jobs in this country.

I constantly hear from employers across the board in my home state of Illinois about the need for more workers, agricultural workers, health care workers, and more. Some governors are so desperate to avoid increasing any immigration that they are now turning to relaxing child labor laws as a solution to their shortages.

This is mindless. Turning back the clock to the times of Upton Sinclair's *Jungle* is Wrong and it's unnecessary when there are skilled immigrants ready and willing to fill these jobs. I'm heartened and I want to make special note that Republican governors in Indiana and Utah recognizing this dire need have written publicly in support of more immigrant workers.

I hope their voices are listened to. Whether we're discussing our southern border or the need for workers, the conclusion is the same. Congress needs to hold you accountable, yes. But we've also got to stop pointing fingers and act ourselves. We should start working together on a bipartisan basis to fix our immigration system today.

And finally, you won't be surprised that I want to say a word about the Dreamers. The Dreamers after legislation that has been pending for more than 20 years are still looking for their path -- legal path to citizenship. Our communities are desperate for these new immigrant workers and DHS needs the resources to secure our border.

All of us on this committee have a choice. We can blame the secretary for a broken system that we share with responsibility to fix or we can

come together on a bipartisan basis to do our job. With that, I'll turn to Ranking Member Graham for his opening statement.

LINDSEY GRAHAM:

Well, thank you, Mr. Chairman. I'm glad to have you back. You look like you filled up well. So to the heartbreak in Tennessee is unimaginable from a parent's point of view, what's being experienced in Tennessee. There's so much heartbreak in this world. The heartbreak of fentanyl poisoning. You asked a rhetorical question of what we're going to do about the shootings in Tennessee.

We passed some bipartisan proposals that hopefully will help down the road. Question back to you, what are we going to do about the poisoning of America? So here's what I would say. America is under attack. Our nation is being attacked by foreign powers called drug cartels in Mexico. When the Japanese attacked American Pearl Harbor, they killed about 3,000 Americans.

9/11 when we were attacked about 3,000. This is the largest attack on American's homeland by a foreign power in the history of the nation. Seventy thousand Americans were poisoned by fentanyl last year, more than car wrecks and gun violence combined and it's getting worse. A couple of days ago Senator Schumer had a news conference in New York talking about the danger of mixing fentanyl with a drug called xylazine.

He called it a skin-rotting zombie drug. He called for the DEA to send teams into New York to try to do something about it. He called for more education when it comes to people using drugs. I would support both of those. But what I'd like to do is go to the source of the problem. What would America do if a foreign power lobbed a rocket into, let's say our friends in Arizona or Texas?

We would strike back. We're doing virtually nothing when it comes to being under attack by drug cartels that's deterring the behavior. Ms. Keiserling [Sp] who lost her children to fentanyl said, "This is a war. Act like it. Do something." Our partner in Mexico basically is a complete denial. The president of Mexico denies they're safe havens for drug cartels where they run parts of Mexico.

He says that's not true. He blames us for the fentanyl crisis. He denies the fact that fentanyl is produced in Mexico, sent to America, to kill Americans. So we've got a real problem, Mr. Chairman. And you asked what can Congress do. We'll keep working together. I'd like to work with you. Maybe we can find a way to make some progress.

But this idea that the executive branch is helpless without Congress is ridiculous. You want to fix this, Mr. Secretary? Go back to Trump policies. Just reimpose everything Donald Trump did to secure our border and your problem will dramatically be improved. You're not helpless. You change policies in a bad way and you're getting a bad result.

We're under attack by drug cartels. We've lost operational control of the border. This secretary has said numerous times we have control of the border. The head of the Border Patrol about a couple of weeks ago said we don't have operational control of the Border. Well, anybody believes that we're in control of the border is in denial.

We've lost control of our border, The number of people coming across our border on the terrorist watch list is going up like a rocket. So what's my concern? General Chiarelli said, the head of CENTCOM, "Due to our withdrawal from Afghanistan, the likelihood of an attack coming against America from Afghanistan could mature within six months

without warning." You have a completely broken border, You have terrorism on the rise.

This is a lethal combination. But this is just not me saying things. We actually have some evidence to suggest that what I'm saying is factually true. In 2020, December, we had the lowest illegal crossings in the last 40 years because of Trump policies. Since those policies were changed, we've had 4.8 million illegal encounters on the southern border FY '21, 1.7 million; FY '22, 2.4 million, setting a record, the first time in the history of the country, 2 million illegal encounters at our border.

Since October of 2022, 385,000 got away. The lowest illegal crossings in the history of the country for the last 40 years in December, since you and the Biden administration been in charge, look what's happened. And you know how it happened? You took all the policies, Mr. Secretary, that working and you change them and it's blown up in our face.

Now, Fentanyl. Fentanyl is killing Americans at levels. We've never seen. More people died last year from fentanyl poisoning in a single year than the entire Vietnam War that went on for over a decade. Fentanyl poisoning is the leading cause of death for 18 to 45 year olds in the country. Look, what's happened.

In 2021, 71,238 deaths from fentanyl poisoning overdoses. In 2023, year to date, we see 11,000 pounds of fentanyl at the border. The year before 14,720. In 2014, none. In 2015, 70 pounds. 11,000 pounds of fentanyl is enough to kill 2.5 billion people. How is this happening? Where is it coming from? It's coming from Mexico and China.

So when the Mexican president denies that drug cartels are not in charge of parts of Mexico, he's either lying or he has no idea what's



going on in his own country. This is a State Department map. If you're looking to travel to Mexico, all these red zones do not travel. That's like going to Afghanistan or Syria.

Who controls these red zones? Drug cartels that are making billions of dollars off bringing fentanyl into the country and human trafficking due to a broken immigration system. And quite frankly, we need to take the gloves off. They're at war with us. We need to be at war with them. Now when it comes to terrorists.

People apprehended on the terrorist watch list, 2021 it was 15; 2022 it's 98; to date already 69. This is a lethal combination. People traveling to America on a terrorist watch list. The terrorists are getting stronger because of our withdrawal from Afghanistan and they're coming here in larger numbers. If we do not change course, if we do not change where we're at, Americans are going to continue to die from drug cartel poisoning.

The illegal immigration problem is exploding, and the human misery around it with no end in sight. We went from the lowest illegal crossings in December 2020 to over 4.2 million on your watch. Bottom line, the Chiarelli statement, if we have it.

UNKNOWN:

It's right there.

LINDSEY GRAHAM:

"It is my command -- it is my commander's estimate that ISIS can do an external operation against us or Western interests abroad in under six months with little-to-no warning." You're on notice -- you're on notice. You, your department, and the president of the United States is

on notice. One of our field commanders in charge of the region rife with terrorism is telling this nation in open sworn testimony that within six months the enemy that's arising in Afghanistan has the ability to attack this country without warning.

LINDSEY GRAHAM:

As he makes that statement, the lack of operational control of the border is a lethal combination for this country. So Mr. Secretary, you have a hard job. I think things would change if they would listen to you more. The bottom line is we've created a nightmare for America and that nightmare needs to end.

Control our border. Go back to Trump policies, have the Congress work together to fix immigration in a more forward-looking fashion, regain control of the border, go after the cartels, tell the Mexican president get with it, work with us or we're going to have to do things differently. Secure the border now before we get attacked later.

Thank you.

DICK DURBIN:

Thank you, Senator Graham. Today, we welcome the Secretary of Homeland security, the Honorable Ali Mayorkas to testify before this committee. Let me lay out the mechanics. After I swear in the secretary, he will have five minutes to provide an opening statement. There will be one round of questions. Each senator will have ten minutes, which is twice as long as we normally allocate for questions in recognition of the importance of this hearing.

Please remain within your allotted time. Secretary Mayorkas will you please stand to be sworn in. Do you affirm the testimony you are about

to give before the committee will be the truth, the whole truth and nothing but the truth so help you God?

ALEJANDRO MAYORKAS:

I do.

DICK DURBIN:

Let the record reflect that the secretary answered in the affirmative. And with that, please proceed to your opening statement.

ALEJANDRO MAYORKAS:

Thank you. Chairman Durbin, Ranking Member, Graham --

DICK DURBIN:

--Microphone.

ALEJANDRO MAYORKAS:

Chairman Durbin, Ranking Member Graham and distinguished members of this committee. On Sunday, I traveled to Rolling Fork, Mississippi to assure the residents there and others in Mississippi devastated by the tornadoes that had just struck that our department will support their recovery in the days, weeks and months ahead.

More than 20 people lost their lives and many more lost their homes and all they possessed. Yesterday, I spoke with Senators Blackburn and Hagerty and with Governor Lee and Mayor Cooper and offered our department's support in response to the tragic -- the too tragic and senseless murder of children and adults in Saint Paul Christian School in Nashville, Tennessee.

Senator Blackburn, I know this is very personal to you and your connection to the school and of course, the community. Our thoughts, prayers and support are with all who are suffering today. The threat landscape has evolved significantly since our department was created 20 years ago. Homeland Security, as we thought of it in the wake of the 9/11 attacks today has new meaning.

Cyber-attacks by criminals and adverse nations, the rise of aggression by the People's Republic of China, increasing economic and political instability around the world, the rise of domestic violent extremism, the gravity and frequency of extreme weather events and other forces combined to create a heightened threat environment here at home.

In addition, the displacement of people across the region is greater than -- than at any time since World War II. To meet this challenge, the department is surging resources hiring 300 additional Border Patrol agents, the first increase since 2011. Investing in new technology, working with our partners in Mexico and Central and South America.

And developing innovative processes to reduce irregular migration at our Southwest border. Over the past several months, we have implemented new measures for Cubans, Haitians, Nicaraguans and Venezuelans that combine a lawful pathway for eligible individuals with consequences for those who cross the border without authorization.

We have seen a decline of about 95 percent in encounters of nationals from these four countries between our ports of entry. We are attacking the cartels and smugglers like never before. Last year, we launched an unprecedented campaign that has led to the arrest of more than 9100

smugglers and the disruption of over 9000 human smuggling operations.

Through advanced screening and enforcement services, like Operation Blue Lotus that we announced last week, we are seizing record amounts of fentanyl at our ports of entry. The threat of terrorism has evolved to include lone offenders who fueled by hate anti-government, ideologies, false narratives and personal grievances seek to advance their political or social goals through violence.

Combating this threat demands a collaborative community-centered approach. Through our Center for Prevention Programs and Partnerships and our grant programs, we help governments, nonprofit organizations, schools, and houses of worship, build local prevention capabilities and make physical security improvements.

We are transforming the way we collaborate to stay ahead of cyber threats posed by hostile nations, like the PRC, that seek to gain access to our intellectual property, data and infrastructure. After Russia's unprovoked invasion of Ukraine, our Shields Up initiative galvanize tens of thousands of businesses to implement urgent cybersecurity improvements.

Through groundbreaking public-private initiatives like the Joint Cyber Defense Collaborative, the Cyber Safety Review Board and our cybersecurity performance goals, we are hardening the cyber defenses of businesses critical infrastructure and the public. And we are deepening our international security partnerships including by expanding the Abraham Accords to encompass shared cybersecurity goals.

Emerging -- emerging technology is creating new threats. Unmanned aircraft systems can be used to conduct attacks and increasingly

violate temporary flight restrictions that protect high ranking officials, disrupt airport operations, surveil outdoor mass gatherings and attempt to transport illegal narcotics across borders.

It is vital that Congress act to extend -- extend and expand the -- the department's counter UAS authorities to protect against malicious drone activity. Separately, it is critical that Congress fully renew Section 702 of the Foreign Intelligence Surveillance Act, which provides fast, reliable and specific insights that enhance our understanding of the threats posed by our adversaries.

Every day -- every day, the 260,000 dedicated public servants of the Department of Homeland Security work tirelessly to deliver safety and security to the American people. Our mission has never been more vital. Our components have never collaborated more closely. And our nation has never been more prepared.

We know that we have a great deal of work still ahead of us. The nonpartisan spirit of collaboration upon which our department was founded is needed now more than ever to address the challenges we face. Thank you very much. I look forward to your questions.

DICK DURBIN:

Thanks, Mr. Secretary. Let me start my questioning where Senator Graham left off. We have a bipartisan concern about fentanyl in the United States. As secretary -- or pardon me, Senator Graham mentioned 70,000 fatal overdoses in the US every year. We need to launch -- the president says we need to launch a major surge to stop fentanyl production and sale.

I'd like to start at the obvious place. Where is it coming from? Well, it may start with precursor chemicals in China, but it certainly comes

through the two major drug cartels in Mexico, which are the major exporters into the United States, Jalisco and Sinaloa. Here's what the former Mexican ambassador to the United States, former ambassador of the United States to Mexico Arturo Sarukhan said.

Mr. Sarukhan said, Only a handful of law enforcement agencies in Mexico are willing or able to engage with the powerful drug gangs. "There is no doubt that endemic corruption, impunity, a weak rule of law or Mexico's Achilles heels." He went on to say that means fentanyl and methamphetamine labs operate in Mexico with almost no pressure.

I've had two lengthy conversations with Anne Milgram with the Drug Enforcement Agency administration about this challenge of fentanyl. I will say that I want to mention to my colleague, Senator Graham and others on the committee, when we get into the world of social media in a couple of weeks in this committee, one of the first stops will be Snapchat for me. Because according to DEA, this is the major clearinghouse for the sale of fentanyl in the United States, these fake drugs that are being sold.

So my question to you is not easily answered, maybe impossible to answer. Tell me how we strike a relationship with Mexico to actively cooperate in the flow of individuals who are coming toward the United States, while at the same time deal with the reality that they are failing miserably when it comes to the export of deadly narcotics to our country?

ALEJANDRO MAYORKAS:

Mr. Chairman, you and Ranking Member Graham accurately describe the cartels as vicious ruthless organizations that peddle in the death of individuals including tens of thousands of Americans. We in the

Department of Homeland Security are taking it to the cartels and the smuggling organizations with which they work in unprecedented fashion.

And you'd noted as did I, Operation Blue Lotus, the most recent surge of personnel and other resources and intelligence to take it to those cartels. We're seizing more fentanyl at our ports of entry than ever before. We in the Department of Homeland Security, through Homeland Security investigations, the criminal investigative arm of Immigration and Customs Enforcement are working with our Mexican counterparts on an increasing level.

We have transnational criminal investigative units that have indeed disrupted laboratories that manufacture fentanyl that have helped interdict the flow of fentanyl within Mexico that have, in fact, cut off financial streams. But the battle is very difficult, and we are seeking to cooperate more closely with our Mexican counterpart.

And we're doing so in an all of administration effort, not just the Department of Homeland Security, not just the Department of Justice of which the DEA is a part, but across the entire administration.

DICK DURBIN:

So, let me ask you about the effort we're making. A lot of publicity has come out with the notion that people seeking asylum or refugee status are really transporting fentanyl into the United States. The chart, which I demonstrated earlier suggests that 80 percent or more is actually coming from American citizens crossing at ports of entry.

If we eliminated every applicant for asylum or refugee status, we would still have a tremendous flow of deadly narcotics coming in across the border. Is it impossible for us, in this day and age, to stop



this flow by ordinary legal Americans through our ports of entry of narcotics?

ALEJANDRO MAYORKAS:

Mr. Chairman, we are working intensely to devote additional resources to the ports of entry at the -- on the land of our southern border. That is where more than 90 percent of the fentanyl is transported through passenger vehicles, through trucks, by pedestrians that are lawfully coming into the United States through the ports of entry.

We are surging resources to the ports of entry to battle that. We are seeking more resources in our fiscal year 2024 budget for precisely that purpose to add personnel to add non-intrusive inspection technology to allow our forward operating labs to detect the substance at the point of interdiction so we can bring our investigative and prosecuting capabilities right there.

And develop the force that we need to.

DICK DURBIN:

To put some perspective on this. It's my understanding that a backpack full of fentanyl is dangerous to thousands of people if it makes it into the United States. And we are talking about transport trucks flowing across our border by the thousands every single day. Is - does there exist technology to detect this fentanyl in these carriers coming into the United States?

ALEJANDRO MAYORKAS:

There is, Mr. Chairman. It is called non-intrusive inspection technology. We are investing more in that. In addition, we are

exploring how we can use artificial intelligence to really serve as a force multiplier of our incredible Border Patrol agents and our incredible Office of Field Operations officers who do such heroic work in this regard.

DICK DURBIN:

So, we put some more money on the table for you when it comes to this technology. How much more do you need?

ALEJANDRO MAYORKAS:

We are seeking more than -- we are seeking hundreds of millions of dollars for non-intrusive inspection technology in our fiscal year 2024 budget. We are also seeking to plus up our personnel both our officers in Office of Field Operations and our Border Patrol agents.

DICK DURBIN:

Well, I certainly hope we have bipartisan support for that when it comes before the Senate and the House of Representatives. There was one aspect of your opening statement which you noted in summary before us that caught my eye and that was the issue of drones. Would you please explain why that has become a new and concerning threat to you?

ALEJANDRO MAYORKAS:

Mr. Chairman, the technology has advanced so significantly in the area of drones as it has in so many different areas. These drones can fly farther, faster, have greater visibility, carry heavier loads. And they are being used by individuals with nefarious intent as well as by adverse nation states. And we need to have the capability to counter the use of drones.

They invade our airspace. They hover over public gatherings with bad intent. We have got to be able to counter them. We have the authority now. It's sunsets. We need to renew it. And also, Mr. Chairman, we need to expand it.

DICK DURBIN:

Well, I'm certainly open to that as I think many of my colleagues are, so let's work on that issue as well. I was briefed two or three weeks ago on artificial intelligence. It was a frightening presentation when you consider the opportunities of AI to overcome what we think are -- are protections in cyber security.

You mentioned artificial intelligence in your opening statement. Can you comment on the challenge it's going to create for us?

ALEJANDRO MAYORKAS:

Mr. Chairman, I -- I am tasking the Homeland Security Advisory Council to provide advice to us in this regard. We, of course, are already focused on it, but want different perspectives. Artificial intelligence presents an opportunity, an opportunity for good that we seek to harness to really serve as a force multiplier in advancing the security of our country.

At the same time in the wrong hands, it can be a weapon. It could be a weapon of harm. And we have to build the defenses that are ready to secure the homeland with respect to the potential that AI presents.

DICK DURBIN:

Last point I'll make to you is that I have been meeting, as I told you in our phone conversation yesterday, with many of the immigrants who've come to the city of Chicago. And sat down with them in

conversation as to their backgrounds and why they came here. I will tell you, without exception, not a single one of them asked for the address of the local welfare office.

Virtually every one of them asked me, where can I go to work? Now we have this system of law that does not allow a person to legally work in the United States until a period of time has passed, six months to a year, once they're in here. Even waiting for determination of their refugee status. That creates a dilemma for many of these people who have no resources to live on. How do you answer critics who say we ought to give them an opportunity to work.

ALEJANDRO MAYORKAS:

Mr. Chairman, the law provides that an individual can seek work authorization after their application for asylum has been pending for 150 days.

DICK DURBIN:

And of course, that can be lengthened unfortunately to longer periods of time as they're waiting for that determination. Isn't that true?

ALEJANDRO MAYORKAS:

Yes. Yes, that is -- that is true. And we are climbing out of a -- out of a backlog because US Citizenship and Immigration Services, the agency that issues the work authorizations was financially devastated in the prior administration. It is funded primarily through fees. Every two years, it is to issue a new fee rule that calibrates the cost of immigration benefits according to the cost of operationalizing their administration.

A fee rule has not been issued for more than six years. And we have a pending proposed rule now to really readjust, realign the costs of immigration benefits to the cost of the agency to administer them.

DICK DURBIN:

Thank you, Mr. Secretary, Senator Graham.

LINDSEY GRAHAM:

Thank you. The Mexican President, Mr. Obrador said, he denied that there were parts of his country under control of cartels. Do you agree with him?

ALEJANDRO MAYORKAS:

I do not --

LINDSEY GRAHAM:

--Do you agree with Secretary Blinken that there are parts of Mexico run by drug cartels?

ALEJANDRO MAYORKAS:

I do.

LINDSEY GRAHAM:

Okay. Do you consider Mexico a reliable partner in this fight regarding fentanyl and illegal immigration?

ALEJANDRO MAYORKAS:

Ranking Member Graham, we -- we are working with Mexico on the fight against fentanyl.

LINDSEY GRAHAM:

Are they a reliable partner?

ALEJANDRO MAYORKAS:

We have brought great cases together. And we are looking to enhance our cooperation.

LINDSEY GRAHAM:

So, if we do the things -- I'm going to work with Senator Durbin to give you more money at the border to interdict. Let's see how that works. I hope it works. Do you think you have a plan in place that will severely reduce the fentanyl problem in America?

ALEJANDRO MAYORKAS:

Ranking Member Graham, I think there are two primary elements to the fight against fentanyl. One is the supply, which we are very, very focused on and I want to touch upon that in a moment. And the second of course is the issue of demand. And we need to address both elements of that. We -- we need to -- we need to also --

LINDSEY GRAHAM:

Well, I hate to interrupt but a lot of these poisonings are people are buying what they think to be Percocet or Percodan and it's got fentanyl over it.

ALEJANDRO MAYORKAS:

Absolutely.

LINDSEY GRAHAM:

They're not demanding fentanyl. They're getting fentanyl laced drugs that are phony drugs.

ALEJANDRO MAYORKAS:

Ranking Member Graham, absolutely. And I have heard you speak about the fact that we need severe penalties for the individuals who traffic in fentanyl. And I agree with you. And if I -- if I may?

LINDSEY GRAHAM:

Okay. Yes, go ahead.

ALEJANDRO MAYORKAS:

In addition to increasing our work with Mexico, we also have to address the fact that precursor chemicals as well as the equipment used to manufacture synthetic dangerous fatal narcotics are originating from China.

LINDSEY GRAHAM:

Okay. That's -- that's a good point. Right now, drug cartel -- cartels are labeled as transnational criminal organizations. Are you aware of that?

ALEJANDRO MAYORKAS:

Yes, I am.

LINDSEY GRAHAM:

A foreign terrorist organization designation would mean any group, country that supplies material support to an FTO would be subject to

American jurisdiction? Do you support labeling these drug cartels as FTOs under US law?

ALEJANDRO MAYORKAS:

Ranking Member Graham, I -- I have heard you speak of this issue as well. I share your view 100 percent that these are ruthless, vicious peddlers --

LINDSEY GRAHAM:

Well, do you support in the efforts to make them FTO's?

ALEJANDRO MAYORKAS:

This -- this is a decision that rests in the -- in the jurisdiction of the Department of State. And it is a difficult question as to where the line between criminality, however vicious and terrorism is drawn. And I'd be happy --

LINDSEY GRAHAM:

I'm not trying --

ALEJANDRO MAYORKAS:

--I'm sorry.

LINDSEY GRAHAM:

When you kill 70,000 Americans, you have crossed the line. But you know, that's not your bailiwick. Let's go to -- to your area. You said on April 2022 in a House hearing, you were asked directly. Do we have operational control at the Southern border right now, yes, or no? You



said, yes, we do. Later in that hearing, you said the border was in fact not open.

About a week or two ago, March 15th, the Border Patrol chief, Mr. Ortiz, I think said when asked does DHF -- DHS has operational control of our entire border. He said No, sir. Do we or don't we?

ALEJANDRO MAYORKAS:

I'd like to be able to answer that question fully.

LINDSEY GRAHAM:

Just --

ALEJANDRO MAYORKAS:

Ranking -- Ranking Member --

LINDSEY GRAHAM:

--Take your time, but not too long because I don't have much time.

ALEJANDRO MAYORKAS:

Let -- let me be clear. Number one, we are intensely focused on securing the border. Number two, we are equally focused on enforcing our laws to achieve that result. Number three, the Border Patrol agents and all the personnel of the Department of Homeland Security are doing heroic work in that regard. With respect to the definition of operational control, I do not use the definition that appears in the Secure Fence Act. And the Security Fence Act provides statutorily that operational control is defined as preventing all unlawful entries into the United States.

LINDSEY GRAHAM:

Well --

ALEJANDRO MAYORKAS:

--By that definition, no administration has ever had operational control. So, the way I define it is maximizing the resources that we have to deliver the most effective results. And we are indeed doing that. We have for, the first time since 2011, increased the number of Border Patrol agents that we are --

LINDSEY GRAHAM:

Is it working? Is everything you're doing working? Is any of it working to stop the poisoning of America? Or the reduction in a meaningful way of the historic illegal immigration problem? Right now, today, do you believe you have a plan that's working?

ALEJANDRO MAYORKAS:

Ranking Member Graham, I must separate the number of individuals arriving at our border who are claiming relief from the issue of fentanyl that is coming through our ports of entry that is too often conflated.

LINDSEY GRAHAM:

I agree, I agree.

ALEJANDRO MAYORKAS:

We are fundamentally -- fundamentally, we are working within a system that is absolutely broken. And there is unanimity --

LINDSEY GRAHAM:

Whose problem is that? Who -- who broke this system that you're trying to fix?

ALEJANDRO MAYORKAS:

Congressman --

LINDSEY GRAHAM:

I mean, was it Trump? Is it Trump's problem?

ALEJANDRO MAYORKAS:

Rank -- Ranking Member Graham, this is our collective problem. And we need to collectively -- You've been and we need to collectively.

LINDSEY GRAHAM:

You've been -- now, wait a minute. You've been DHS secretary. And I honest to God, do like you. I think you're a very good man. On your watch, Mr. Secretary, we've gone from the lowest illegal crossings in December 2020 to all-time highs with over 2 million last fiscal year. On your watch, fentanyl is coming in at a pace we've never seen.

More Americans are dying. On your watch, more terrorists are coming into the country on the watch list than any time we've been measuring these things. So, I'm trying to get some appreciation from you that things are not going well. Your own Border Patrol chief said we don't have operational control of the border.

And I don't think it's a definitional problem. I think he's just been really honest with it -- with us. So I would like to work with you where I can. You need more money for interdiction. I will work with Senator

Durbin to get it to you. But we play around with the problems. We don't address them. Mayor Adams went to the border from New York.

He's not exactly a right-wing guy. He said this is a national crisis. And he said basically, it's a disaster. Everybody that goes has a different view, Democrats and Republicans. So, what I would like to just get from you is some recognition of where we're at. And I don't think where we're going is -- is going to get us to the Promised Land.

You know, I asked you back in -- the last time we were here to give yourself a grade. You gave yourself an A for effort. How would you grade yourself for outcomes since we last met?

ALEJANDRO MAYORKAS:

Ranking Member Graham, I certainly appreciate and understand the gravity of the challenge that we are facing. It is a very serious challenge. I look forward to working with you with respect to the funding for this department as well as the hope that we can work together to fix the immigration system.

LINDSEY GRAHAM:

Great. I've got an idea for you. I want you just to entertain it. My time's about up. The cradle of -- the credible fear standard is the screening standard when somebody applies for asylum. Is that correct?

ALEJANDRO MAYORKAS:

Yes, it is.

LINDSEY GRAHAM:

Okay. What's the final adjudication standard?

ALEJANDRO MAYORKAS:

Ranking Member Graham, the credible fear standard is the initial threshold.

LINDSEY GRAHAM:

Right.

ALEJANDRO MAYORKAS:

And it is set by statute as a substantial likelihood of fear of persecution.

LINDSEY GRAHAM:

So here's my offer. What's the final significance --

ALEJANDRO MAYORKAS:

--Forgive me, a significant possibility of persecution.

LINDSEY GRAHAM:

Okay. Okay. Here's the final adjudication standard. Reasonable possibility of suffering persecution on account of race religion nationality membership in a particular social group or political opinion. That's the final adjudication standard. What percentage of people who pass the initial screening standard are given asylum using the second standard?

ALEJANDRO MAYORKAS:

Ranking Member Graham, I understand your question correctly, what is the, let's say, average because it changes by --

LINDSEY GRAHAM:

If you have 100 passing the screening test of critical fear, how many of them are granted asylum through the adjudication process, percentagewise?

ALEJANDRO MAYORKAS:

It varies according to country of origin.

LINDSEY GRAHAM:

I can tell you it's averaging 10 percent. So, 90 percent of the people that pass the credible fear standard, never make it. Here's a proposal. Why don't we make the adjudication standard the initial screening standard? I'm willing to change the law with my Democratic friends. One or two things is happening.

You're denying 90 percent of people with a legitimate claim, which I don't believe. Or when you look at their claim, it's not -- it's an economic problem. It doesn't meet the statutory definition. If you want to stop asylum seeking, change the standard. Because once they get here, they never leave. So, I'm willing to work with you.

Are you willing to -- final question, would you entertain changing the credible fear standard as a screening standard to the final adjudication standard?

ALEJANDRO MAYORKAS:

Ranking Member Graham, I would welcome the opportunity to work with you to reform this.

LINDSEY GRAHAM:

Great.

ALEJANDRO MAYORKAS:

This is clearly a broken immigration system.

LINDSEY GRAHAM:

Thank you. That's a good place to start.

DICK DURBIN:

Thank you, Senator Graham. Senator Whitehouse?

SHELDON WHITEHOUSE:

Thank you very much. Welcome, Secretary. And thank you, Chairman, for this hearing. As the chair of the Senate Caucus on International Narcotics Control, I've been working to focus more on the financial networks and flows that support the international drug cartels. My experience in my US Attorney days and in many years on this committee, has been that we put a great deal of focus on the importation of drugs from these cartels and by these cartels.

But for every package that comes over the border, there are dollars that flow back to the cartels. And I think we've been less successful at degrading, exposing and ultimately destroying the financial networks upon which these cartels rely. What, in your view, are the things that you could be doing to more effectively attack the financial side of the drug cartel network?

ALEJANDRO MAYORKAS:

Senator Whitehouse, I -- I share your experience as a former United States attorney. As a matter of fact, I was a federal prosecutor for 12 years, almost nine years as --

SHELDON WHITEHOUSE: You've all done the press conferences with the drugs and the guns and the cash.

ALEJANDRO MAYORKAS:

So, we are already seeking to disrupt the financial networks of the cartels in an unprecedented way. Within the Department of Homeland Security, our Homeland Security investigations agents are very focused on that. And they are attacking that not alone but with their partners in the federal government.

SHELDON WHITEHOUSE:

I'd like a proper briefing on that. Would you coordinate that for me and invite other members of the committee to join if they would like?

ALEJANDRO MAYORKAS:

Most certainly, Senator. Because I would also like other partners of ours to join in that briefing from the Department of Justice as well as from the Treasury Department.

SHELDON WHITEHOUSE:

It strikes me that there are American interests that can facilitate these financial transactions, whether it's through law firms or hedge funds or yacht brokers or whatever. It is part of a general global problem of kleptocrats secret financing -- kleptocrats and criminal secret financing. And I look forward to working with you to improve what we're doing against that.



And in particular to build support for the law, the Enablers Act. That would in the same way that we prevent banks from going about this business, and we've begun to investigate shell corporations who go out about this business, we'll be able to put some restraints on American law firms, yacht brokers, realtors, hedge fund managers and others who facilitate this trade.

So, I look forward to working with you on that. Separate matter. You oversee the Coast Guard. There is a very significant pirate fishing problem, which also overlays with a slave ship problem, which also overlays with a vector for drugs and weapons and other evils problem. The Coast Guard has a very important role in all of this.

Recently in Panama, Secretary Del Toro of the Navy and your deputy commandant Peter Gutierrez met to discuss improving the engagement of the Coast Guard and the Navy together. I would like to ask you to get back to me in writing. This is a question for the record, first. What are the next steps you need including steps by Secretary Del Toro to make sure that the Navy is fully supporting the Coast Guard's effort against the international pirate fishing fleet and against the Chinese fishing fleet where it's violating international and local laws?

Question one. Question two. What additional resources does the Coast Guard need to do that international work? I will tell you that when Lindsey and I led the previous -- Munich Security Conference delegation, General Townsend was then in charge of AFRICOM. And he, at his briefing, told us not in response to questions, he volunteered that one of the things that's important to the success of the AFRICOM mission is the ability to get after the pirate fishing and Chinese fishing fleets that are operating in the easy waters of these African allies without their even knowing it. Because they don't have the capacity to

do it. And he believes it will help our national security mission on that continent if we can more aggressively track and identify and alert the local authorities to the presence of pirate fishing.

So, the Coast Guard does not have the global footprint that the Navy does, shat do you need? That's question two. Last question, is that for lack of official enforcement by the United States government, the NGO community has stepped up in important ways to do enforcement, whether it's Global Fishing Watch or Vulkan or Sea Shepherd.

There's a whole array of NGOs who operate in this space. They both need intelligence about the location of these pirate vessels and they can offer intelligence. It can be a two-way street. They're very active and they're quite capable. We are trying to figure out how we can set it up so that they can have access to appropriate intelligence that can be deployed in real time against real vessels when they cross real barriers and do so in a way that protects the sources and methods in the classified matters that we should not be allowing to get out.

I think there's the ability to create sort of a vestibule where the information that's needed can go in and be screened and then once it's screened, get out. But be screened like in real time. Not one of these, you know, whole of government inter-agency task force things where it takes a decade. I would like to ask your commitment to help set that up so that we can be both receiving and providing intelligence about these vessels in real time.

ALEJANDRO MAYORKAS:

You have my commitment, Senator. May I say two brief things?

SHELDON WHITEHOUSE:

Go for it.

ALEJANDRO MAYORKAS:

One is the US Coast Guard is doing extraordinary work in this area. I have been briefed a number of times with respect to what it has been doing in South America, specifically. You identify illegal fishing and specifically the aggressive actions of the PRC in this regard. It is very much a problem.

SHELDON WHITEHOUSE:

By the way, do you agree that the fleet that the PRC has launched also often accomplishes other goals for the communist government in China involving surveillance and non-fishing activities?

ALEJANDRO MAYORKAS:

That is certainly a very significant concern of ours. With respect to the dissemination of intelligence and information, one of the overarching objectives of our Office of Intelligence and Analysis is to distribute as widely as possible as much intel and information as possible in real time that is relevant and actionable at the lowest classification level possible.

So, your request to get this information out to the force multipliers in civil society is something that I will take back to our undersecretary.

SHELDON WHITEHOUSE:

Thank you. You actually have good models for doing this in other areas --

ALEJANDRO MAYORKAS:

Yes, we do.

SHELDON WHITEHOUSE:

Applied readily in the IUU fishing area, so I look forward to working with you on that. And to your written reply to those three questions which I'm sure your diligent staff were carefully writing down behind you. The last thing, uniting for Ukraine. I think we've been able to give shelter to 50,000 Ukrainians fleeing Putin's atrocities and brutalities in Ukraine.

ALEJANDRO MAYORKAS:

More than that, Senator.

SHELDON WHITEHOUSE:

Is there anything more that you need to help the US help more payrollees [ph] from Ukraine find temporary shelter here until Ukraine can achieve its victory?

ALEJANDRO MAYORKAS:

So, we -- we are very focused on uniting for Ukraine. I believe the last figure I saw was that we have provided a relief for more than 100,000 Ukrainians. I will confirm that figure. One of the -- one of the needs that we have is to resource US Citizenship and Immigration Services. As I referenced earlier, it was an agency that was financially devastated during the prior administration.

And we're very focused on getting it back into a safe and secure financial condition.

SHELDON WHITEHOUSE:

It seems clear to me that Ukraine has demonstrated enormous patriotism. And that those who have fled the brutalities and atrocities of Vladimir Putin are -- are truly seeking only temporary shelter and employment here so that they can go back and help rebuild their lives and their country. Is that your experience as well?

ALEJANDRO MAYORKAS:

Yes, it is, Senator.

SHELDON WHITEHOUSE:

Thank you very much. Thank you, Chairman.

DICK DURBIN:

Thank you, Senator Whitehouse. Senator Grassley?

CHUCK GRASSLEY:

Thank you. Thank you for coming, Mr. Secretary. There are several reports of foreign nations like China purchasing US land for farming or agricultural purposes. Some of these tracts of land are suspiciously close to American military bases or critical infrastructure sites. The Committee on Foreign Investment in the United States expressed great concern.

And a North Dakota purchase of farmland by China as one example of their concern. How is Homeland Security working with the Department of Agriculture and law enforcement entities to track these types of suspicious land purchases?

ALEJANDRO MAYORKAS:

Senator Grassley, we are very focused on the threat that the People's Republic of China poses to the United States in a number of regards. You have cited one of them. And we are a member of CFIUS, the Committee for Foreign Investment in the US. We are one of the departments that reviews potential transactions to assess the threat that a transaction poses, not only in isolated context, but in the aggregate the threat it poses to the security of the United States.

And we seek to impose measures on the transaction to mitigate any threat successfully. And if that threat cannot be adequately mitigated through the measures that we take, then it would be our recommendation to prevent the transaction from occurring.

CHUCK GRASSLEY:

Do you -- as a follow up, do you have a way of notifying relevant parties that may be targets to possible espionage from these purchases?

ALEJANDRO MAYORKAS:

There is a very established process that the Committee for Foreign Investment in the United States, CFIUS follows with respect to the transactions. And the committee's engagement with the parties to the transaction.

CHUCK GRASSLEY:

Over two years ago, on February the 11th, 21, I wrote to you and asked these questions and I'll repeat these questions later on. The first question was whether the Department of Homeland Security considers Confucius Institutes and their affiliates to be an extension of

communist Chinese government? And two, if the department believed them to be purveyors of Communist Chinese government propaganda?

I would hope the answers to those questions would be obvious to anybody in the Biden administration. We all know that the national security threats that Confucius Institutes pose. And we can draw that conclusion based upon what the Chinese government's own words say about these institutions. And many educational institutions have already shut down their Confucius Institutes.

And yet, when you answered my February letter, July 29th of 21, you personally responded and failed to answer the critical questions. So I'm going to pose this question to you again whether the Department of Homeland Security considers Confucius Institutes and their affiliates to be an extension of the Communist Chinese government?

And if the department believes them to be purveyors of Communist Chinese propaganda?

ALEJANDRO MAYORKAS:

Senator, we are -- we are very concerned about the institutes that you mentioned. In fact, we are very concerned about the PRC's use of what we call nontraditional collectors of intelligence. It is why we are working with the Department of State to ensure that our visa system is secure as against that threat.

CHUCK GRASSLEY:

Well, for any college university or other educational institution in the United States that maintains such an institute connected with China,

would you advise those educational institutions to close them based on national security reasons? If not, why not?

ALEJANDRO MAYORKAS:

Senator, we work -- as do others in the United States government work with institutions of higher learning to inform them of the threat that the PRC poses. And to deliver recommended safeguards to guard against that threat.

CHUCK GRASSLEY:

OK. Let me go back to one of those first two questions I asked you just to get clarification. Do you believe these institutes to be purveyors of Communist Chinese government propaganda?

ALEJANDRO MAYORKAS:

I am very concerned that many of them are, indeed, Senator. And we -- we seek to guard against the realization of that threat.

CHUCK GRASSLEY:

Then, going back to something -- I was going to ask you a whole series of questions that Senator Graham already answered, but one that I want to follow up on is for the committee's record, would you describe which foreign drug cartels control areas of the Southern border and the areas they control?

ALEJANDRO MAYORKAS:

The -- the two cartels, Senator, that are of greatest concern to us are the Sinaloa cartel and the Jalisco new generation cartel as the primary traffickers of synthetic opioids, including the deadly fentanyl.



CHUCK GRASSLEY:

OK. Multiple inspectors general have found the Department of Homeland Security failed to fully vet and screen Afghan evacuee -- evacuees before entering the United States. In one report, the Defense Department inspector general said that 50 evacuees in the United States posed potential significant national security concerns.

How many Afghan evacuees are currently in the country who pose potential or actual national security concerns?

ALEJANDRO MAYORKAS:

Senator, I -- I respectfully disagree with certain aspects of the inspector general reports that you referenced. And I would be pleased to provide you and your staff with a briefing with respect to the security screening and vetting that we performed with respect to the Afghan nationals who were seeking relief in the United States and the disposition of those individuals.

CHUCK GRASSLEY:

I respectfully disagree with you that this is classified, and you can't answer it in this setting, but I'll go on to another question. Does the Department of Homeland Security know the location of these Afghan evacuees in the United States who pose a potential national security threat? And if you don't know where they are, why you don't know where they are?

ALEJANDRO MAYORKAS:

Senator, if an individual poses a national security threat, that individual is either removed from the United States or detained.

CHUCK GRASSLEY:

So --

ALEJANDRO MAYORKAS:

--If there are -- if there are other reasons for either of those dispositions to not occur, then that is something that I can share with you in an appropriate briefing.

CHUCK GRASSLEY:

Did you -- did you just tell me in your answer that there's none of these evacuees that are serious threat to the United States?

ALEJANDRO MAYORKAS:

No, I -- Senator, what I would like to make clear if I -- if I wasn't clear initially, is that we screen and vet individuals before they arrive. If an individual does arrive and we determine that the individual presents either a public safety or a national security threat, we will place that individual in removal proceedings and seek to detain that individual.

If that disposition is not reached, there may be considerations why that is so. And I would welcome the opportunity to brief you on that more specifically.

CHUCK GRASSLEY:

Well, do you coordinate with the FBI's ongoing assessment and investigation of Afghan evacuees in the United States?

ALEJANDRO MAYORKAS:

Yes, we most certainly do.

CHUCK GRASSLEY:

OK. On January the 23rd this year, Senator Johnson and I sent a letter to the Secret Service requesting visitor logs for President Biden's residence. Our letter in part is part of a review that we began in -- two years ago of President Biden's compliance with federal records laws dating back to the time that he was vice -- vice president.

Our records -- our request was also based on news reports that the Secret Service was prepared to turn those records over to Congress pursuant to a request. Since then, my and Senator Johnson's staff have been told that the -- your department's Office of General Counsel is the barrier to the Secret Service producing relevant material to Congress.

It appears that the Office of General Counsel is being used to shield and frustrate and obstruct Congressional oversight. What steps have you instructed the Office of General Counsel to take to produce the requested material to me and Senator Johnson? And what legal barriers exist to producing the Secret Service visitors logs to Congress if they can't be given to Congress?

ALEJANDRO MAYORKAS:

Senator, two things. Number one, the directive that I have issued is for our department to cooperate and comply with our oversight responsibilities and the requests that are made of us. And two, it is certainly false that the Office of General Counsel serves as a barrier to that cooperation and compliance.

It sounds to me like we'll get those records then. Is that right? I don't know whether the Secret Service maintains visitor logs of the

president's residence. But if they do and those have been requested, we will comply with the law.

CHUCK GRASSLEY:

OK. Thank you.

DICK DURBIN:

Thank you, Senator Grassley. Senator Blumenthal?

RICHARD BLUMENTHAL:

Thank you, Mr. Chairman. Thanks, Mr. Secretary, for your service. And thank you for being here today. I want to begin with an issue involving international students, in particular. I'm rooting for UConn in the Final Four. The men's team is powered by an incredibly talented and successful forward named Adamo Sanogo who is not a citizen.

And unfortunately, unlike his teammates, he cannot benefit from his name, image and likeness. Although he is a star, the rules have been revised. Two years ago, the NCAA at the urging of myself and others allowed student athletes to benefit from their name, image and likeness. And international students like him and Aaliyah Edwards on our women's team, other athletes in other sports who are international students are prevented by student visa rules from benefiting from financial opportunities and indeed their educational futures because of these rules.

I sent a letter to you calling on DHS to issue guidance and open a rulemaking to enable some fairness and equity here. But the schools haven't received guidance from DHS about student visas and NIO. Will you commit to publishing guidance or issuing rulemaking to ensure that Adamo and Aaliyah and other international students on

the Huskies and other teams have a fair opportunity on their NIO rights for their entire college career?

ALEJANDRO MAYORKAS:

Senator, thank you for your letter on this subject, which brought the issue to my attention. I was not aware of it previously. We are indeed looking at the issue very carefully.

RICHARD BLUMENTHAL:

And I hope quickly.

ALEJANDRO MAYORKAS:

And we will move with deliberate speed, yes.

RICHARD BLUMENTHAL:

Deliberate speed meaning perhaps very soon.

ALEJANDRO MAYORKAS:

Quickly. Yes, we will move as quickly as we can, Senator.

RICHARD BLUMENTHAL:

Thank you. I want to talk a little bit about TikTok and data security. I don't need to emphasize to you the concern that we have not only about the destructive effects of driving toxic content to kids through the algorithms of TikTok and other social media but given DHS concern and focus on cyber security and the threats of foreign espionage, do you have concerns about the safety of TikTok's user data and the independence of TikTok from the Chinese government?

ALEJANDRO MAYORKAS:

Senator, I certainly do. And I have tremendous concern with respect to many aspects of the PRC's aggression with respect to the United States and other democracies around the world.

RICHARD BLUMENTHAL:

Without going into the details in this setting, our those concerns based on evidence that, in fact, there is Chinese surveillance through TikTok.

ALEJANDRO MAYORKAS:

Senator, I would -- I would refrain from answering that question directly in this setting. And I should also note that there are legal proceedings pending with respect to TikTok, and so I will respectfully refrain. But let me be clear that we're very concerned about the -- the -- the security implications of TikTok.

RICHARD BLUMENTHAL:

You're a member of the CFIUS panel, which has a responsibility -- it has an ongoing proceeding which has been lagging for some years, I think at this point. Can you commit to that proceeding coming to a conclusion?

ALEJANDRO MAYORKAS:

Senator, there is litigation pending. We are very focused on the -- the threat that TikTok presents. And you have my assurance that we are addressing that with tremendous vigilance.

RICHARD BLUMENTHAL:

I'm not asking for details in this setting, but simply not only the assurance that you will act promptly but that it will be on the basis of evidence that you have right now. I think that evidence is there of the threat of Chinese surveillance. Am I correct--

ALEJANDRO MAYORKAS:

-- The disposition will be based on the evidence that we have and any additional evidence that we acquire.

RICHARD BLUMENTHAL:

Recently, I joined a number of my colleagues in asking you about the proposals with regard to family detention. Can you update us as to what the administration's policy is? We expressed our concerns about reports that that policy might be adopted in the near future.

ALEJANDRO MAYORKAS:

Senator, no decision has been made. We ended family detention in March of 2021. No decision has been made. And I seek to encourage a work environment where people can present their ideas. Many are left on the cutting room floor. Others become policy. Others spring new ideas. That's the type of environment that I seek to create.

RICHARD BLUMENTHAL:

I take it from that answer that no decision has been made. No decision has been made. And the reports about you're considering it don't imply that it will be adopted as a policy --

ALEJANDRO MAYORKAS:

--That is correct.

RICHARD BLUMENTHAL:

There have been various suggestions and -- and I have joined in the idea that maybe it should be considered for drug cartels to be regarded as foreign terrorist organizations. Is there serious consideration to that idea being given?

ALEJANDRO MAYORKAS:

Senator, this is a matter in the province of the Department of State. It's a very complicated question because it obviously has foreign relations implications. I certainly agree with both the Chairman, Ranking Member Graham, with respect to the pernicious, the viciousness of the cartels. And that is precisely why we are attacking them with the full force of our law enforcement capabilities.

RICHARD BLUMENTHAL:

Can you tell me about Operation Blue Lotus and what can be accomplished through that?

ALEJANDRO MAYORKAS:

Operation Blue Lotus, Senator, is a surge operation that we implemented to address the increased interdiction of fentanyl at the ports of entry. Most of the fentanyl, more than 90 percent of the fentanyl that enters the United States is brought in through the ports of entry. We surged resources including the extraordinary special agents of Homeland Security investigation to the ports of entry to enhance our interdiction capabilities to enhance our investigative capabilities and bring a greater level of prosecutions to bear.

We had, as the chairman noted, tremendous success within just the first week of Operation Blue Lotus. I received the latest update last



night with respect to some of the seizures of fentanyl that we were able to accomplish as part of that operation.

RICHARD BLUMENTHAL:

Will it be expanded?

ALEJANDRO MAYORKAS:

It is my hope that we have additional funding to expand it. And we are certainly going to continue with that operation.

RICHARD BLUMENTHAL:

I was very pleased to see that the department has recently announced that it would give a one-year parole in extension to an estimated 25,000 Ukrainians and their immediate family members who have come here in the wake of the murderous assault by the Russians. Crime against humanity, as the president's correctly called it. This extension in my view is one step.

As you know, I've advocated for our country to provide not only strong military and humanitarian support to Ukraine, but also the assurance that Ukrainian refugees coming here will be safe and welcome in our country. What kind of support and resources does DHS need to further process and expand the number of refugees?

Who will be welcome here?

ALEJANDRO MAYORKAS:

Senator, thank you very much. The Uniting for Ukraine, a very innovative program that we implemented is a tremendous source of pride for us and we are tremendously committed to continuing it. US

citizenship and Immigration Services is under tremendous financial strain. And we are seeking additional funding for that agency.

In addition, we have a notice of proposed rulemaking to readjust its cost schedule to make sure that the fees are charged are calibrated according to the cost incurred in administering the benefits provided. So we're trying to get that agency on firm, stable footing because it was on the brink of bankruptcy in the prior administration.

RICHARD BLUMENTHAL:

Let me ask you. Likewise, will you support the Afghan Adjustment Act, which I have championed and a number of us on this committee have supported.

ALEJANDRO MAYORKAS:

Yes. And we very much appreciate your championing of it.

RICHARD BLUMENTHAL:

Thank you.

DICK DURBIN:

Thank you, Senator Blumenthal. Senator Cornyn?

JOHN CORNYN:

Mr. Secretary, when the attorney general of the United States was here a couple of weeks ago, I asked him whether he was aware of the strategy of transnational criminal organizations to flood the border with migrants in a manner to overwhelm the Border Patrol so that then they could move drugs across the border.

And he said he was aware of that strategy. Are you familiar with that strategy? Do you agree with the attorney general?

ALEJANDRO MAYORKAS:

I am not aware of that as a strategy. I am certainly aware of the significant challenge --

JOHN CORNYN:

Well, if you're not aware of the strategy -- they move migrants and they move drugs for money, right?

ALEJANDRO MAYORKAS:

Yes, they do. The cartels --

JOHN CORNYN:

And so, what better -- what better way to move drugs into the United States than to over the Border Patrol with migrants so -- and divert their attention from their drug interdiction responsibilities.

ALEJANDRO MAYORKAS:

Senator Cornyn, more than 90 percent of the fentanyl or about 90 percent of the fentanyl that is brought into the United States --

JOHN CORNYN:

That's a totally made-up number. You had -- you had nearly a million people get away from Border Patrol, evade Border Patrols detection and detention between 2022 and 2023. You have no idea how many

of those people were carrying fentanyl or other drugs with them, do you?

ALEJANDRO MAYORKAS:

Senator, the -- the expert view that I received is that approximately 90 percent of the fentanyl --

JOHN CORNYN:

That's a totally made-up number, Mr. Secretary and you know it.  
That's a totally made-up number.

ALEJANDRO MAYORKAS:

Senator, that the expert information that I received is that approximately 90 percent of the fentanyl is brought in through the ports of entry through passenger vehicles, through trucks and through pedestrians.

JOHN CORNYN:

Mr. Secretary, you understand that you have a credibility problem with the -- with the Congress and with the American people, don't you?

ALEJANDRO MAYORKAS:

I have unflinching confidence in the integrity of my conduct.

JOHN CORNYN:

No, I'm saying you have told us two patently inconsistent things. For example, you said we do have operational control of the border. In 2022, you said the border is not in fact open. And then I think I heard

you say here that no administration has ever had operational control of the border. Isn't that what you said?

ALEJANDRO MAYORKAS:

No. That is not what I said.

JOHN CORNYN:

That's not what you said? Well, the record will reflect --

ALEJANDRO MAYORKAS:

May I -- May I -- May I clarify?

JOHN CORNYN:

4.8 million people coming to the border and being ushered into the interior of the United States, perhaps never to be identified or heard from again. And with 108,000 Americans dying of drug overdoses last year alone with those drugs flooding across the border, you think everything is just hunky dory?

ALEJANDRO MAYORKAS:

That is absolutely not true. Senator, I understand --

JOHN CORNYN:

No, I understand your answer. You said it's not true. And I disagree with you.

ALEJANDRO MAYORKAS:

Senator --

JOHN CORNYN:

-- Last month I went to Hays Consolidated Independent School District in Kyle, Texas and I met with Shannon and Darren McConville and Brandon Dunn and Janelle Rodriguez. The McConville's lost their 17 year old son Kevin to fentanyl poisoning. He had pizza for dinner and then came back down looking for a second helping.

And none was left his mom said, so she offered to making the tuna fish sandwich and instead he went upstairs and went to bed. And when they went to his bedroom the next morning to wake him up, he was dead because of fentanyl poisoning. Brandon Dunn and Janelle Rodriguez' 15-year-old son, Noah, who loved sports.

They called him a genuine kind and a jokester. He began his -- his mental condition began to deteriorate during COVID-19. And unfortunately, it had some experience with illicit drugs. But will spending the night at a friend's house during the first weekend of the school year, Noah took a pill laced with fentanyl and died of fentanyl poisoning.

Mr. Secretary, would you like to take the opportunity here today to apologize to these parents who lost their children because of fentanyl poisoning because of the policies of your department and the Biden administration? Would you like to apologize to them?

ALEJANDRO MAYORKAS:

Senator, my heart is with the family of every victim of a drug overdose death.

JOHN CORNYN:

Is that an apology.

ALEJANDRO MAYORKAS:

My heart is with the family and the loved ones and the friends --

JOHN CORNYN:

So why don't you do something about it?

ALEJANDRO MAYORKAS:

Of -- of every victim of these drug overdose deaths.

JOHN CORNYN:

Attorney General Garland said this is part of a comprehensive strategy by the cartels to flood these drugs into the United States by overwhelming Border Patrol. You're clearly losing that battle. And you won't even apologize to these parents like so many other parents who have lost their teenage children to counterfeit drugs laced with fentanyl.

ALEJANDRO MAYORKAS:

We are bringing unprecedented force in the fight against --

JOHN CORNYN:

And you're losing. Let me ask you another question.

ALEJANDRO MAYORKAS:

The gravity of the challenge cannot be overstated. We recognize the gravity of the challenge. And I look forward to working with you --

JOHN CORNYN:

And do you recognize that you are losing?

ALEJANDRO MAYORKAS:

I look forward to working with you, Senator --

JOHN CORNYN:

-- No, that's not my question.

ALEJANDRO MAYORKAS:

And this committee to address this challenge --

JOHN CORNYN:

-- Let me ask you another question in the time remaining. Since you won't answer our questions, and you won't acknowledge responsibility, my constituents are saying who's accountable? Who's accountable? Who's paying a price? Who got fired? Well, you haven't been fired. You should be fired, but you haven't been fired because you were carrying out the policies of the Biden administration.

And the -- we've seen nothing but death and destruction as a result.

ALEJANDRO MAYORKAS:

Senator the --

JOHN CORNYN:

-- Will you wait for a question? Wait for a question. I recently went to the Yuma Border Patrol sector, which is a sleepy little agricultural community, as you know, in Southwest Arizona. The Border Patrol



chief there greeted us by saying we have encountered 100 -- migrants from 176 countries speaking 200 languages.

Arizona Senator Mark Kelly pointed out that Mexicali is an airport -- is a city in Northern Mexico with very close to the border where people can simply fly into that and then take an Uber over to the Border Patrol sector and claim asylum. And then be released under your policies under Biden administration policies into the interior of the United States from 176 different countries.

Recently, I was in El Paso with a bipartisan group of Senators to -- that was before we got to Yuma, and we were out on a night patrol. The Border Patrol detained two young men who were from the -- who had passports from the People's Republic of China, mainland China controlled by the Chinese Communist Party.

They were presumably released like these other individuals into the interior of the United States with either a notice to appear or a notice to report. Can you tell the committee where these people are today?

ALEJANDRO MAYORKAS:  
Senator --

JOHN CORNYN:  
-- Can you assure us that these individuals are not in the United States to conduct espionage or other nefarious acts against the United States government? Can you reassure us of that?

ALEJANDRO MAYORKAS:  
Senator, if an individual is deemed to present a threat to public safety or national security --

JOHN CORNYN:

Well, how would you know? How would you know? They show up with the passport and they claim a credible fear of persecution. And then, under yours and the Biden administration policies, they're released into the interior of the country. These -- these are people who perhaps we don't have any records about.

Certainly, we're not going to get them from China. You know zero about them and you know zero about the threat they posed to the United States and our national security. You can't tell us, can you, where the individuals are located, who have been either paroled or released into the United States? You have no -- no comprehensive list or ability to identify where those people are today.

Do you?

ALEJANDRO MAYORKAS:

Senator, let me -- let me again repeat that we screen and vet individuals --

JOHN CORNYN:

That's not my question.

ALEJANDRO MAYORKAS:

If we encounter --

JOHN CORNYN:

-- You're a -- you're a -- you're a -- you're quite capable of evading the questions we're asking or diverting us to something else that's not what we ask. My question to you is when somebody from the People's

Republic of China shows up in El Paso, Texas and then claims asylum and is released into the interior of the United States, do you know where they are and what they are up to?

ALEJANDRO MAYORKAS:

We very well can know where they are based upon --

JOHN CORNYN:

-- You can. Do you?

ALEJANDRO MAYORKAS:

It depends on the individual. And the fact that --

JOHN CORNYN:

-- So, some of the -- if it depends on the individual, some of them you don't know where they are or what they're up to? Is that right?

ALEJANDRO MAYORKAS:

Senator, the issue of individuals absconding from law enforcement is a challenge that --

JOHN CORNYN:

And you are feeling in that challenge, Mr. Secretary.

ALEJANDRO MAYORKAS:

If I may?

JOHN CORNYN:

You and the Biden administration policies are contributing to what is happening on the border. And according to Ms. McConville, she credited the Biden broken border policies with contributing to the death of her son. And you won't even have the common decency to apologize.

ALEJANDRO MAYORKAS:

Senator -- Senator, as I mentioned before, and I must say this, that my heart is with the victims of every death from an overdose, number one. Number two, we are bringing unprecedented force to the fight against the drug traffickers. Number three, the scourge of fentanyl is not new. It is not something that was born in 2021. And I can provide you with the tens of thousands of deaths that preceded this administration.

This is a challenge that we all have to come together to fight.

JOHN CORNYN:

You simply lost all credibility, Mr. Secretary.

DICK DURBIN:

Senator Booker?

CORY BOOKER:

Thank you, Mr. Chairman. The crisis of fentanyl has been discussed a lot. I want to echo what my colleagues on both sides of the aisle have said and what you have said. This is an American crisis. It shouldn't divide us against each other. We need to find where the common cause and common urgency is and attack those areas.

We should be guided by the facts and the evidence and not the typical political forces that divide us that make it difficult to solve problems. We will not agree on everything, but the facts are the facts. This problem did not start under Joe Biden. In fact, Mr. Secretary, during the years of the Trump administration, fentanyl deaths rose in America, correct?

ALEJANDRO MAYORKAS:

Yes, they did.

CORY BOOKER:

That's all I need. This problem has risen under Republican presidents and Democratic presidents. This is not a partisan issue. This is an American issue. This is an American crisis. And more facts that I think are worthy of repeating and saying clearly is that this is an issue that is being driven by criminals from our country.

The data shows that US citizens are accounting for 86 percent of fentanyl trafficking convictions, 86 percent. When I visited the border recently down in Brownsville, the Customs and Border professionals, professionals every day that seek to serve the security of this nation, made it very clear that this is overwhelmingly Americans being stopped coming through ports of entry.

That 91 percent of the fentanyl enters our country through these ports of entry. Can you affirm that, sir?

ALEJANDRO MAYORKAS:

Senator, it is my information, indeed, that the majority of fentanyl coming into this country is coming in through the ports of entry over 90 percent.

CORY BOOKER:

And American citizens of the majority of people being arrested?

ALEJANDRO MAYORKAS:

So that is a statistic with which I am not familiar. And but certainly we see American citizens as traffickers in fentanyl as I referenced just a few minutes ago. Yesterday, I was a briefed most recently on Operation Blue Lotus. And indeed, we apprehended for prosecution two American citizens who were trafficking in multi kilograms of fentanyl.

CORY BOOKER:

Well, sir, I want to point out that GAO report on June 22 -- June of 2022, which found that 91 percent of drug seizures -- seizure events involve only US citizens. Now, this isn't to say that undocumented immigrants are not a part of the problem. They account for about 9 percent. But we need to be operating on the facts.

The guns that the cartels are using are coming from where?

ALEJANDRO MAYORKAS:

A great number of them are coming from the United States.

CORY BOOKER:

Well, give me -- can you contextualize a great number? Is 20 percent, 30 percent? Are the majority of the guns being used by these cartels coming from the United States or not?

ALEJANDRO MAYORKAS:

Yes, that is my understanding. It is why, indeed, we have surged resources to interdict the flow of -- the illegal flow of firearms to the South.

CORY BOOKER:

So, to present this as a problem, that is just a Mexico problem and not discuss the facts that the weapons of the cartels are using, the majority of, to your testimony, are coming from the United States that the majority of the people we are arresting coming across the border trafficking that they are coming through the ports of entry means that we have to look to solutions that meet the facts of the crisis.

Is that correct?

ALEJANDRO MAYORKAS:

That is correct.

CORY BOOKER:

Should this country be -- as -- as Customs and Border agents told me, and again these don't sound like very politically controversial issues, we need more resources at our borders and our ports of entry that enable modern cutting-edge technology to be used to detect the presence of fentanyl. Would that help the problem?

ALEJANDRO MAYORKAS:

Yes, it would, Senator. And -- and I should say that we are deploying an unprecedented level of modern technology to interdict fentanyl. Our non-intrusive inspection technology is extraordinarily effective. And we are exploring the use of artificial intelligence to serve as a force multiplier. I was -- I was in Arizona last week.

Not only did I see the non-intrusive inspection technology, which I've seen in many of my visits to the border, I think I've made 16 as the secretary. But I also learned from our colleagues about the forward operating labs that we now deploy to the ports of entry, so personnel expert in the identification of the particular narcotic at issue can analyze it, confirm its identity and bring the appropriate prosecution to bear.

CORY BOOKER:

And so, if there's an action for Congress that -- that could be a bipartisan effort would be to surge the resources to further expand the cutting-edge technology necessary to detect the fentanyl and to arrest the folks who are trafficking. That's a clear, yes?

ALEJANDRO MAYORKAS:

Yes.

CORY BOOKER:

That's all. The second thing that reminded me of my work doing law enforcement in my city, as mayor, is that we found that too many of our police officers were engaged in activities that weren't the highest and best use when it came to stopping and preventing crime. So again, we need to protect our overall border.

And technology that was discussed with me by Customs and Border Control that could use high tech sensory -- all different types of -- of technologies from motion detectors to aerial surveillance, they would tell me it would free up considerable amounts of our Customs and Border Patrol to focus more on where exactly the fentanyl is coming from.



Even more than that, when you have a surge of asylum seekers, they were telling me stories about too many of their Customs and Border Patrol, simply doing data entry, dealing with the asylum seekers as opposed to having those officers do the things at the -- that we know and focusing on where we know the problem is. And so, they talked about just simply some of the things we did when I was married the city of Newark, getting civilians in to do the basic data entry jobs and freeing up officers to focus on ports of entry where their highest and best use is. And so, from the technology to protect our border to too many people sitting behind desks with guns and officers, do you agree with me that we could be finding ways to better use the manpower, womanpower, person-power that we have to -- to focus on where the actual problem is?

ALEJANDRO MAYORKAS:

Yes. And we are doing that. And let me -- let me repeat very, very briefly. Our use of technology and our exploration of AI, artificial intelligence as a force multiplier to liberate some of our personnel from some of the more mundane tasks that could be accomplished by --

CORY BOOKER:

Sir, I would like to learn more about that. I have two minutes left. I really want to hear more about that because when I was on the border, I heard from a lot of your agents the urgency to do this. I know you're making progress and I'd like to hear more, but I just --

ALEJANDRO MAYORKAS:

And we're also adding case processors to make sure that the agents, the uniformed agents can be back out in the field. We have surged

those resources in an unprecedented way.

CORY BOOKER:

There's always going to be partisan differences. There's always going to be divisions in our country. But the lines that divide us are nowhere near as strong as the ties that bind us. We all care. We all are having people dying in our communities. People we know. Families we meet with. And yet, there is so much room for us to work together where we agree and to get things done and support the agents on the ground that when I meet with them, they are some of the proudest, most dedicated patriotic Americans.

In the few seconds I have left, sir. Last week the Anti-Defamation League released its annual report examining antisemitic incidents. According to the ADL, in 2022, there were at least 3697 antisemitic incidents throughout the United States. This is a 36 percent increase from the 2717 incidents tabulated in 2021. It's the highest number on record since the ADL started tracking.

Antisemitism is at a stunning rise and the highest were ever detecting. This is to me absolutely frightening. The number one targeted religious group in our country. I know the Department of Homeland Security released a tool kit for communities to better understand how to -- how to protect themselves. I think it's a valuable resource.

But could you please just in the last 30 seconds, I have, how is the department approaching community -- driven solutions to the kind of violent extremism that threatens Jewish Americans, sick Americans, Muslim Americans that are beginning to -- to -- to have so many of our religious minorities being targeted in the United States?

ALEJANDRO MAYORKAS:

In the ten seconds that I have, disseminating information so everyone is aware of the threat, providing advice with respect to the hardening of vulnerable locations, providing \$20 million in grant funds each year to allow places of worship, religious schools, community-based organizations to increase their level of security.

This requires a whole of community approach. And our -- our Center for Prevention Programs and Partnerships is extraordinarily devoted to that.

CORY BOOKER:

Well, we have more to do, collectively as a Congress and in your agency. More must be done. Hate has no harbor in the United States of America. These incidents are on the rise and I would ask my colleagues for all of us to do more in partnership with those who are protecting us in our communities to address the scourge of antisemitism and violence against religious minorities in our country.

Thank you.

DICK DURBIN:

Thank you, Senator Booker. Senator Lee?

MIKE LEE:

Thank you, Mr. Chairman. Thank you, Secretary Mayorkas for being here. I'm troubled by a number of things, including some exchanges you had a few minutes ago with a couple of my colleagues, one in particular, with dealing with your definition of operational control.

This wouldn't trouble me quite the same way that it does, but for the fact that this isn't just a casual term of art that people throw around.

It's -- nor is it a term that -- that made its first appearance with your service at the Department of Homeland Security. This is a statutorily defined term of art. And -- and Congress has defined it now for the last 17 years as involving the prevention of all unlawful entries into the United States. So, it appears to me that your definition, which has to do with maximizing resources, distorts this.

It -- it appears to me to be something that is perhaps an intentional effort to obfuscate the real problem to hide the absolute humanitarian and legal disaster that we have unfolding on our Southern border, one with massive national security implications and human health implications. As we've seen 110,000 Americans die from fentanyl just last year.

All of that fentanyl, by the way comes from Mexico. It's no mystery where it's coming from. It's not made here, not even made in China anymore, the stuff that shows up here, it's made in Mexico. So, perhaps this redefinition helps hide that helps obscure it, but it still doesn't help. Look, this is making it worse.

What you're doing is making a lot of things worse. And I'm concerned that this shows up in a number of areas. I'm going to talk about some of those today. It shows up in your use of parole. It shows up on issues related to asylum. And it shows up in issues related to the detention of -- of asylum applicants.

Let's talk about parole first. In order for these efforts to disguise the political impact -- to defuse the political impact and disguise what's actually happening, you've started to rename things and rebrand them so that the numbers seem to be improving more than they actually

are, but they aren't. It's come to my attention that you've created at least 13 new parole programs within the Department of Homeland Security.

Now, I find this odd. Because you break them down by things like country of origin. But I find this odd because the statute itself creating parole which is found in 8 U.S.C. 1182(d)(5)(a) says that the Secretary of Homeland Security subject to certain conditions shall parole -- may parole into the United States temporarily under such conditions as he may prescribe only on a case by case basis for urgent humanitarian reasons or a significant public benefit, any alien applying for admission to the United States.

Though Congress went way out of its way to define that and to say this must be handled on a case-by-case basis, no broad grants of these are the kinds of people we're going to parole in. Now, what qualifies as an urgent humanitarian reason or a significant public benefit in your view seems to be anything that will appear to reduce regular immigration.

This is so far afield from the definition that Congress actually authorized by statute and far beyond what it's heretofore been understood to do and what the words themselves mean, which is to provide a way that somebody could come in -- in the case of the -- of a medical emergency, under that portion of the statutory language or for example, someone who is coming in on the -- under the public benefit prong from a foreign country who's needed to testify in a jury trial or something like that.

And then be returned. Parole wasn't intended to be broad nor was it intended to provide someone a permanent residence or a residence that can become permanent within the United States. And so, this is

really concerning to me. When we -- we see this, I wonder how you can possibly defend the legality of this.

It shows up further in the way that you're handling asylum. Let me ask you this, Mr. Secretary. Does anyone coming into our border have a right to asylum? Or is this rather a grant of discretion to you as the Secretary of Homeland Security to grant it where you deem appropriate under the circumstances prescribed by the law?

ALEJANDRO MAYORKAS:

Currently, Senator, we are exercising the Public Health Authority of Title 42. And under Title 42, a claim of asylum cannot be made. The individual is expelled under that public health authority and -- of the facts, so let's put that aside.

MIKE LEE:

Yep, yep. I know you want to talk about Title 42. Title 42 is going away in a few weeks.

ALEJANDRO MAYORKAS:

So then, an individual who arrives at our border may claim fear of persecution by reason of their membership in a particular social group.

MIKE LEE:

I get that. I know the standard. I'm asking you, is it a right or is it an act of discretion on your part? Because remember the language says the secretary may grant them asylum, may. May, is not shall, so is it discretionary or is it mandatory on your part?

ALEJANDRO MAYORKAS:

We -- we have the ability to make a discretionary decision with respect to the grant of asylum based upon the factors that we evaluate.

MIKE LEE:

OK. Now --

ALEJANDRO MAYORKAS:

-- I have something to say about parole, but perhaps --

MIKE LEE:

-- Sure, but it's not the time to do that. I want to talk about this first. With -- in your exchange with one of my colleagues, I think it may have been Senator Graham earlier, you seem to concede at least for purposes of discussion that most asylum applicants don't get in. And that the number may be something like nine out of ten who don't get it. I know it varies from country to country, but -- but it's more or less nine out of ten or some large number, some large percentage of asylum applicants are not eligible to come in. Is that right?

ALEJANDRO MAYORKAS:

That is correct. That -- that the number who qualify under the initial threshold of credible fear is larger than the number of individuals who actually ultimately succeed in their final asylum adjudication.

MIKE LEE:

Right. And in fact, federal law --

ALEJANDRO MAYORKAS:

-- That's -- that's purposeful by design of the statutory framework.

MIKE LEE:

Under 8 USC Section 1225(b)(1), an alien awaiting an asylum determination, a ruling on his or her asylum application is subject to mandatory detention. It says that the alien shall be detained pending a final determination of credible fear of persecution and if found not to have such fear until removed. And yet, you're not currently detaining all asylum applicants, are you?

ALEJANDRO MAYORKAS:

Senator, I believe this -- this very issue is a subject of ongoing litigation. I will only say this therefore that -- that the Department of Homeland Security, specifically Immigration and Customs Enforcement has never had the detention capacity to detain every asylum seeker.

MIKE LEE:

I'm not asking -- I'm not asking whether you've got that detention capacity or whether they have in the past. I'm asking what is supposed to happen? And the truth is under the statutory provision I just read to you, you're supposed to detain them. And yet, you don't. And as far as running out of detention capacity, you are, in fact, getting rid of detention space.

Are you not, as reported by Fox News just yesterday?

ALEJANDRO MAYORKAS:



I -- no --

MIKE LEE:

And -- and what about the fact that the ICE detention budget has been slashed by this administration to the tune of hundreds of millions of dollars.

ALEJANDRO MAYORKAS:

Senator, we're not reducing the amount of detention space. I don't know to -- to what that report refers. As a matter -- I'm not sure what that report refers to. We're not diminishing the amount of detention space right now.

MIKE LEE:

You are not deporting people once you reach your cap of the detention space. And that is a problem. Because you've said time and time again in front of this committee and in other context, you and other members of this administration have said over and over again that the system is broken. The process is broken.

The -- the law is broken. And then, you blame it on Congress. Well, maybe that's good if what you're wanting to do is advocate for, you know, some kind of reform that involves amnesty. But it's just not true as far as the asylum process. Because if the asylum process were followed by the law, you would turn people away.

You would send them back once you ran out of detention space. You detained those where you're supposed to detain and then you'd send the rest back. And this is a big problem. Look, I'm running out of time.

I am concerned about another thing -- a number of things and I'll follow up with questions for the record, but a couple of closing issues just in short.

First, I'm very concerned about your Office of Intelligence and Analysis. There's been a -- a letter sent to you by the House Homeland Security Committee that you have not answered. When they do answer that, I would love to get those answers -- those responses. And I would also like a briefing on this in the very near future.

We need to know what's in there. Look, at the end of the day, it appears to me that you are not enforcing the law. You are redefining key statutory terms in order to obfuscate the fact that you not enforce the law. It's a firable offense. Your department has spent an enormous amount of money preparing for impeachment proceedings, like \$3 million in preparing for impeachment proceedings.

Could it be perhaps that they know that you have been doing this that you've been redefining statutory terms failing to enforce the law? That seems removable to me. Thank you.

ALEJANDRO MAYORKAS:

Senator, I respectfully disagree with you. And I look forward to the opportunity to addressing your concerns.

DICK DURBIN:

Thank you, Senator Lee. Senator Klobuchar?

AMY KLOBUCHAR:

Thank you very much.

DICK DURBIN:

If I could make an announcement? After Senator Klobuchar, there will be a ten-minute break, so we have a roll call on the floor. Some members may want to take advantage of it now. I'm going to be one of them. Senator Klobuchar is recognized.

AMY KLOBUCHAR:

Okay, very good. Thank you, Mr. Chair. Thank you so much, Mr. Secretary. I'm going to actually take a different approach here at the beginning. I do have some question about fentanyl. Senator Capito and I are introducing a bill on it today. My state has the lowest unemployment rate in the country. I don't know if you know that.

A number of the states of senators on this committee have a lot of unfilled jobs in their states. And part of this is apprenticeships and getting people directed to those jobs. But part of it is also immigration. And you and I have talked about this before. I first of all want to thank you for the work that's been done on the commerce side on the longest border in the world with Canada.

That would be my state. And the work that we have 5500 mile border in the US with Canada. And we had many issues during the pandemic. A lot of those have now gone away. I was just met with a number of the leaders in Parliament there on Friday as part of the summit between President Biden and Prime Minister Trudeau, including liberal and conservative members of Parliament.

And we agreed that there have been improvements on that front. And of course, there's been the issue that was agreed to between the two heads of state about concerns on the border, cross border smuggling operations. Senator Blackburn and I are putting forward a bill on that.

But can you talk about the steps the department has taken in plans to address smuggling of both people and narcotics across the northern border?

ALEJANDRO MAYORKAS:

Senator thank you very much for your concern. I know you're very well aware of the announcement that we made last week with respect to the safe Third Country Agreement with Canada to ensure that we're fortifying the land -- the border land in between the ports of entry. We were very proud to move that regulation through with extraordinary speed.

We are focused intensely on all our borders, not just the southern border but our maritime borders and our northern border as well. I just recently spoke with the commissioner, the acting Commissioner of US Customs and Border Protection with respect to the deployment of personnel to the northern border precisely to address the concerns that you have expressed.

AMY KLOBUCHAR:

Okay, very good. Going beyond Canada. I will ask on the record some questions about work authorizations for Ukrainians. Many of us on this committee are very involved in the effort in Ukraine, but we also know we have people here that want to work who are temporarily refugees in our country. And I want to thank you for the work that's been done on that front.

And I'll ask you some questions on the record about how the policy has gone. I mentioned our workforce shortage. If we were hiring tomorrow, we have about 139,000 unfilled positions. One of the solutions, as you know, in addition to comprehensive reform, I have

joined a bipartisan group of Senators, including King, Rounds, Hickenlooper, Barrasso, in calling on the department to release the maximum allowable number of H-2B visas to help get the workers they need.

Could you talk about how your experience -- how H-2B guest worker programs have helped address workforce shortages?

ALEJANDRO MAYORKAS:

Yes, Senator. So, we issued the maximum number of H-2B visas this year. In addition, I exercised the secretary's discretionary authority and released the maximum additional number of visas available. And we did so earlier than ever before precisely because of the demand for labor that we in this country have.

I believe the chairman referred to 11 million job vacancies. And so, we're very mindful of that. Unfortunately, our immigration system is not well designed to address the need for labor. It is our hope that reform actually is legislated to address that issue.

AMY KLOBUCHAR:

Right. You know, and I always picture some of the agreements that sadly we were not able to get passed. One passed in the Senate when Senator Grassley was actually the Republican leader of the committee. But it is some combination of border resources on the southern, and I would add northern borders, as well as the increase in the caps of these type of workers as well as green card citizenship issues, especially for our Dreamers and some of those.

And I add into that group Afghans. As you know, more than 75,000 Afghans sought refuge in our country. I'd say about half of them have

literal letters from our chief of mission and our military vouching for them. They stood by our soldiers. Our military, VFW, American Legion all believe we cannot leave these people in limbo.

And many of our Republican colleagues that are supportive of our efforts focus on the fact that we can do more vetting this way. These are people who are in our country. Senator Wicker and Moran and of course, Senator Graham, the ranking member of this committee have been part of our efforts on the Afghan refugee and have signed their name on this bill.

And we're working with other senators as we speak. And our bipartisan legislation that I know you're aware of requires applicants to go through vetting that is just as rigorous as the vetting they would have gone through if they came as refugees, a standard that eight former republican administration national security officials called the "gold standard of vetting." And so, we have worked with your department and DoD on this.

How would the vetting provisions included in the Afghan Adjustment Act help to ensure that Afghan evacuees are fully and rigorously vetted?

ALEJANDRO MAYORKAS:

Senator, we're very appreciative of that act and we do hope it is promulgated. In Operation Allies Welcome, our effort to bring Afghan nationals who stood by us in combat safely to the United States, we undertook a rigorous screening and vetting protocol. And we did that before they arrived to the fullest extent possible.

This act really institutionalizes that process and also provides stability for those Afghan nationals who are here in the United States. And

provides them with a critical path forward.

AMY KLOBUCHAR:

Okay. Very good. I'm going to end here with a series of questions on fentanyl. I know you've been asked this by my colleagues, but I want to look at solutions. We've lost, like everyone else here, many people in our states to this scourge. Senator Portman and I passed the STOP Act to require that international mail include advanced electronic data that CBP can use to stop fentanyl -- fentanyl.

And at least use that because as you know there's issues with the actual mail. Could you talk about what difference that has made? I'm going to just combine these questions so you can -- . Secondly, in 2021 there were more than 100,000 drug overdoses in the US. And Senator Capito and I have urged the department to prioritize investigations into fentanyl trafficking on the dark web, which is another part of the problem.

It's the mail, it's the dark w the DHS heroes program eb. And then, also, this week I introduced a bill with Senator Scott to allow military veterans to be trained as investigators through the DHS Heroes Corps program to conduct investigations into fentanyl trafficking online. Another piece of the cyber part of this.

Could you talk about the cyber piece of this as well as the mail piece of it? Because I know you've gotten at other issues with our colleagues.

ALEJANDRO MAYORKAS:

Senator, your -- your questions go to -- the significance of the challenge that we face. Because it is not just through the land ports of entry. It is certainly not just by land, but it is by mail. The dark web,

the internet pose marketplace challenges for the illegal trafficking of these incredibly dangerous fatal narcotics.

The -- the STOP Act is a critical tool to allow us to prescreen to be aware of any anomalies. Information that will assist us in the interdiction of contraband coming in through our mail system. It's been a tremendous utility to us Customs and Border Protection. With respect to fentanyl trafficking, the dark web is a marketplace not only for fentanyl, but for other heinous crimes.

We're seeing such an increase, for example, in online child sexual exploitation. Here again, our incredible special agents of Homeland Security investigations along with our special agents of the United States Secret Service are doing extraordinary work in an all of administration effort. We are very appreciative of your HEROs Act and the use of military veterans, capable individuals who've served our country so nobly, to work with us in battling the online proliferation of narcotics and other contraband and other illegal acts.

AMY KLOBUCHAR:

All right. Very good. Well, thank you for your service. And you'll be happy to hear my next question. Would you like to be part of our ten minute recess that the committee will now take?

ALEJANDRO MAYORKAS:

I think I will be.

AMY KLOBUCHAR:

Okay. Very good. The committee will now take a ten-minute recess. Thank you.



DICK DURBIN:

We will resume. I thank Senator Klobuchar for helping. We have one more roll call vote on the floor, so members may be coming and going, but at this point recognize Senator Cruz.

TED CRUZ:

Good morning, Secretary Mayorkas.

ALEJANDRO MAYORKAS:

Good morning.

TED CRUZ:

Is there a crisis at our southern border?

ALEJANDRO MAYORKAS:

Senator, there is a very --

TED CRUZ:

-- That's a yes or no question. Is there a crisis?

ALEJANDRO MAYORKAS:

Senator, there's a very significant challenge.

TED CRUZ:

I think your microphone is not on.

ALEJANDRO MAYORKAS:

There is a very significant challenge that we are facing.

TED CRUZ:

Yes or no, is there a crisis?

ALEJANDRO MAYORKAS:

I believe I've addressed that question, sir.

TED CRUZ:

So you're refusing to answer?

ALEJANDRO MAYORKAS:

Senator, there is a very significant challenge. And we'll --

TED CRUZ:

-- Will you answer if there's a crisis?

ALEJANDRO MAYORKAS:

Therefore, we are dedicating the resources --

TED CRUZ:

-- Okay, so you're refusing to answer. Well, Secretary Mayorkas, I'll tell you someone who is willing to answer, which is your and President Biden's chief of the Border Patrol in a sworn deposition in July of 2022 when asked, would you agree Chief Ortiz that the southern border is currently in crisis? Answer, Yes. Notice none of those wiggle words, none of that equivocation.

One word, one syllable. Yes. Are you willing to speak with the same clarity as Chief Ortiz? Is there a crisis at our southern border? Yes or no?

ALEJANDRO MAYORKAS:

Senator, I'm very proud to work alongside --

TED CRUZ:

-- So, you refuse to answer. Let me ask you the next question. Has the crisis at our southern border made Americans less safe, Yes, or no?

ALEJANDRO MAYORKAS:

Senator, we are dedicated to the safety --

TED CRUZ:

-- Has the crisis made Americans less safe? I don't -- I don't want a discourse. It's a yes or no question.

ALEJANDRO MAYORKAS:

Senator, we have a challenge of --

TED CRUZ:

-- You refuse to answer the question.

ALEJANDRO MAYORKAS:

Not --

TED CRUZ:

-- Mr. Secretary, let me show you how someone doing his job answers a question in a straightforward matter. Chief Ortiz, is the crisis that is currently ongoing at the southern border making the border less safe for Americans and aliens alike? Answer. Yes. One word, one syllable,

three letters. That's how someone answers a question and does their job.

You're being a politician, misleading the American people. Let me give you a chance, again. Will you show the same integrity Chief Ortiz shows? Is the crisis at the southern border making Americans less safe? Yes or no.

ALEJANDRO MAYORKAS:

Senator, we have 260,000 --

TED CRUZ:

-- You refused to answer the question. Let's move on.

ALEJANDRO MAYORKAS:

And security of the --

TED CRUZ:

-- Next question, Mr. Mayorkas. Has the crisis made aliens less safe, yes, or no?

ALEJANDRO MAYORKAS:

Senator, we are seeking --

TED CRUZ:

-- So you won't answer that question either.

ALEJANDRO MAYORKAS:

If you'd --

TED CRUZ:

-- It is -- it's a yes or no. Has it made aliens less safe?

ALEJANDRO MAYORKAS:

Senator, smugglers are exploiting --

TED CRUZ:

-- Has the crisis made aliens yes -- less safe? Are you willing to answer it?

ALEJANDRO MAYORKAS:

Senator the smuggling organizations --

TED CRUZ:

-- Okay, you're filibustering again. Let me ask you this question. How many migrants have died under President Biden?

ALEJANDRO MAYORKAS:

Senator, your -- your -- phrasing of the question is actually quite misleading.

TED CRUZ:

## How many migrants died in 2022?

ALEJANDRO MAYORKAS:

At our -- approaching our southern border?

TED CRUZ:

Yes.

ALEJANDRO MAYORKAS:

Precisely why we are seeking to --

TED CRUZ:

--Do you know the answer? Do you know how many died?

ALEJANDRO MAYORKAS:

I do not.

TED CRUZ:

You do not. Of course you don't. I know how many died. 853.

ALEJANDRO MAYORKAS:

That is --

TED CRUZ:

--853. And by the way, here are the numbers that have died every year. You go back to 1998, you see it's consistently between 300 and 400. 300 to 400. 300 to 400. Suddenly 2021 what happens? You get in office and that red line are dead bodies. I've been on the Rio Grande and I've seen dead bodies floating there who drowned because of your refusal to do your job.

You don't even know how many have died. What do you say to the Texas farmers and ranchers who find pregnant ladies dead on their

property, who find toddlers dead on their property? What do you say to them?

ALEJANDRO MAYORKAS:

I say that is why precisely we are taking it to the smuggling organization --

TED CRUZ:

But you are not. That is simply not true.

ALEJANDRO MAYORKAS:

Number two, it is --

TED CRUZ:

Let me read from the Wall Street Journal. The Wall Street Journal two weeks ago ran an article entitled, It's Like gra -- a Graveyard, Record Numbers of Migrants are Dying at the Border. The story begins with this chilling line, quote, Eagle Pass Texas. Local officials keep a refrigerated truck to hold the bodies of migrants who drown in the currents of the Rio Grande while trying to cross the border into the US. Mr. Chairman, I ask unanimous consent that this article be entered into the record.

Let me ask you a different question. How many children have been sexually assaulted by human traffickers under the Biden administration?

ALEJANDRO MAYORKAS:

Senator, this is precisely why we instituted --

TED CRUZ:

--I don't-- want a lecture, it's a question. How many children have been sexually assaulted by human traffickers under your administration?

ALEJANDRO MAYORKAS:

Senator, this is -- this is exactly why on January 5th --

TED CRUZ:

Again, do you know how many -- do you know how many children have been sexually assaulted?

ALEJANDRO MAYORKAS:

This is why we say --

TED CRUZ:

--You're going to refuse to answer that question as well. Let's move on. It's obvious you've been instructed to stonewall, so I'm not going to let you. You don't get to stonewall and filibuster. Now one of my Democratic colleagues before said the Democrat talking point quote, this problem didn't start under Biden.

That's -- I -- look, I get if you're a partisan spinner, you got to figure out something to say about the absolute catastrophe that is played out under the Biden administration. True or false, Secretary Mayorkas. 2020 was the lowest rate of illegal immigration in 45 years. Is that true or false?

ALEJANDRO MAYORKAS:



It is certainly the lowest level of immigration in many, many years.

And what was it in --

TED CRUZ:

Okay. Fine.

ALEJANDRO MAYORKAS:

-- 2020. What was it, Senator, in 2020 that impacted the entire world including the United States?

TED CRUZ:

Okay. So your testimony is the reason we had the lowest rate was COVID? It had nothing to do with building the wall, nothing to do with ending catch and release, nothing to do with remain in Mexico? With all respect. Mr. Secretary, that answer is laughable. And in fact, if you look at illegal immigration, let's look at CBP encounters.

You can see 500,000. 500,000. It drops to the lowest level and boom what happens? You show up and that red line is you. That red line is Joe Biden and you're claiming nothing happened. Oh gosh, this was here before us. No, you made the decision to allow this to happen. Let me ask you. We now have over 5.5 million people who've entered this country illegally under Joe Biden.

How many murderers have you released into America?

ALEJANDRO MAYORKAS:

Senator, I'm not aware of any murderer whom we --

TED CRUZ:

--So you don't know.

ALEJANDRO MAYORKAS:

Senator, let me say something.

TED CRUZ:

Do you know?

ALEJANDRO MAYORKAS:

If you take a look at --

TED CRUZ:

--No. No, you don't get to give a speech. Do you know how many murderers you released?

ALEJANDRO MAYORKAS:

I'm just trying to answer your question.

TED CRUZ:

How many rapists have you released?

ALEJANDRO MAYORKAS:

Senator, I'm trying --

TED CRUZ:

--Do you know? You can answer, I know or I don't know.

ALEJANDRO MAYORKAS:

Senator, any individual who poses a public safety threat --

TED CRUZ:

--How many child molesters have you released--

ALEJANDRO MAYORKAS:

-- and removed into the United States -- from the United States.

TED CRUZ:

So your testimony under oath subject to perjury is that you have not released any murderers, rapists, or child molesters among the 5.5 million. Is that your testimony?

ALEJANDRO MAYORKAS:

Mr. Chairman, may I have the opportunity --

TED CRUZ:

--No, you may not. You may answer my question.

ALEJANDRO MAYORKAS:

You're not --

TED CRUZ:

--Is that your testimony, yes or no?

ALEJANDRO MAYORKAS:

Senator, you're not allowing me to answer your --

TED CRUZ:

--I am allowing you to answer, I'm not allowing you to filibuster.

ALEJANDRO MAYORKAS:

If you take a look at the -- the pace of immigration in 2018 to 2019 --

TED CRUZ:

--You're refusing to answer. Let's move on. Let's move on to got aways.

Got aways are the people that get away that you know about. Now what happened under your administration got aways consistently down at this low line, boom you get in and they go from below 180,000 to 600,000. Now I'll tell you this about a got away.

You don't know among those 600,000 a year, you have no idea how many are murderers, correct?

ALEJANDRO MAYORKAS:

That is precisely why the number of got aways --

TED CRUZ:

--Do you know how many of those are murderers?

ALEJANDRO MAYORKAS:

That is precisely why --

TED CRUZ:

--So you refuse to answer the question. Do you know how many are rapists? Do you know how many are rapists? This is a question. You're a lawyer. You know how to answer questions. Of the 600,000, do you know how many of them were rapists?

ALEJANDRO MAYORKAS:

Senator, this is why we are --

TED CRUZ:

So again, the answer is no. Let me ask you this. Do you know how many of them are terrorists? And I don't want a Senator, here's my lecture on this. Do you know how many of the 600,000 got away were terrorists? Yes or no?

ALEJANDRO MAYORKAS:

Senator, we are focused on this --

TED CRUZ:

You refuse to answer that as well. What's the result of massive got away? Well, one of the results is drug overdoses. And we now have last year over 100,000 overdoses who died, the majority from Chinese fentanyl streaming across the border. Now you told Senator Cornyn you care, but look what has happened under your policy.

When you open up the border to the worst illegal immigration our nation's history, people die. You claim you care. Mr. Secretary, that is a lie. You know, some months ago, Karine Jean-Pierre stood up at a White House briefing and said people are not just walking across the border. Was she telling the truth?

ALEJANDRO MAYORKAS:

Senator, you are --

TED CRUZ:

Was she telling the truth?

ALEJANDRO MAYORKAS:

-- profoundly disrespecting --

TED CRUZ:

Was she telling the truth?

ALEJANDRO MAYORKAS:

-- my 22 years of government --

TED CRUZ:

You get to answer questions. You don't get to give speeches.

ALEJANDRO MAYORKAS:

Senator, I served as a federal prosecutor.

TED CRUZ:

All right. You're refusing to answer. If you look at she was lying and she was not lying on her own. She was lying on behalf of the President of the United States. Now the photograph of people walking. She was lying on behalf of the President of the United States. This is a photograph from just one day along the Rio Grande of hundreds of thousands of people walking across the border.

You have allowed this to happen. The photograph that was before, what are these wristbands?

ALEJANDRO MAYORKAS:

I don't know what they are.

TED CRUZ:

You don't know what they are? Mr. Secretary, you have just testified to the American people you're incompetent at your job because I've been to the southern border. And if you go to the southern border, along the southern border, you see thousands of these wristbands because the illegal immigrants wear them, the drug cartels, every color corresponds to how many thousands of dollars they owe the cartels.

You have turned these cartels into multibillion dollar criminal organizations. And these are modern day leg irons because these are children being sold into sex slavery and you don't even know what they are. That is astonishing. Mr. Secretary, how many children have been sold into sex slavery under your administration?

ALEJANDRO MAYORKAS:

Senator, we are taking it to the cartels --

TED CRUZ:

## How many children have been sold into sex slavery?

ALEJANDRO MAYORKAS:

In an unprecedented --

TED CRUZ:

Do you know how many children have been sold into sex slavery?

ALEJANDRO MAYORKAS:

-- to an unprecedented degree.

TED CRUZ:

Mr. Secretary, I want to say to you right now --

ALEJANDRO MAYORKAS:

It is precisely --

TED CRUZ:

-- your behavior is disgraceful. And the deaths, the children assaulted, the children raped, they are at your feet. And if you had integrity, you would resign. And I will tell you the men and women of the Border Patrol, they've never had a political leader undermine them. They despise you, Mr. Secretary, because you're willing to let children be raped to follow political orders.

This is a crisis. It's a disgrace. And you won't even admit this human tragedy is a crisis.

DICK DURBIN:

Claiming one minute Chairman time. Mr. Secretary, would you like to respond to any of those questions?

ALEJANDRO MAYORKAS:

What did Senator said was revolting. I'm not going to address it.

TED CRUZ:

Your refusal to do your job is revolting.

ALEX PADILLA:



Thank you, Mr. Chairman. I see -- I think it's disrespectful, the treatment that we've just seen the Secretary undergo. I think it's respectful [ph] to suggest or imply that a -- the root causes of our broken immigration system are so simple that they can be answered in 2.5 seconds or less. That the solutions necessary to improve our immigration system for the needs of today and the future could be delivered in 2.5 seconds or less.

So let me for the moment continue some questions on the subject matters that our Republican colleagues keep bringing up over and over and over again. And we'll -- we'll -- we'll stay on fentanyl for a second. Correct me if I'm wrong, Mr. Secretary, but I think Senator Booker earlier mentioned that in 2021 it's been found that US citizens accounted for more than 86 percent of convicted fentanyl drug traffickers.

Does that sound about right to you?

ALEJANDRO MAYORKAS:

Senator, as I mentioned to Senator Booker, I'm not familiar with that statistic. I'm certainly aware of the fact that American citizens are participating in the trafficking of illegal narcotics --

ALEX PADILLA:

And the reporting [ph] studies that I've seen do document that the vast majority of those bringing fentanyl into the country are United States citizens, not the migrants that our colleagues in the other side of the aisle are implying. Also that nearly 99 percent of the consumers who are paying for Illicit opioids.

So we can look at both ends of this. Right. Who's driving the demand, not just who may be responsible for the supply. Statistic again from federal agencies, 0.02 percent of the people arrested by Border Patrol for crossing the border illegally possess fentanyl at the time.

ALEJANDRO MAYORKAS:

More than 90 percent of the fentanyl brought into this country is brought in through the ports of entry. I cannot overstate the viciousness and cruelty of the smuggling organization. It is precisely why we are building safe, orderly, and lawful pathways for people to come to the United States if they are eligible and cutting out the smuggling organization.

ALEX PADILLA:

And that's the point I'm trying to get to, Mr. Secretary. I want to sort of level set, sort of reality check the conversation because the challenge is a serious one and should be approached with seriousness and maturity. So now that we've caught our breath from the prior exchange, I want to forge you an opportunity to speak into the administration's approach, the significance of a whole of government approach to the problem, not just all of federal government, but any partnerships real or potential that you think can be value added here.

I know in the state of California, for example, state resources are being committed to augment additional screening equipment and other technologies that can help in this cause in a productive manner.

ALEJANDRO MAYORKAS:

So -- so two different parts, Senator, and I appreciate the opportunity, the -- the administration's approach to the migration challenge which

is quite serious and it is one that is not exclusive to the United States, but is gripping the entire region. There are approximately 2.5 million Venezuelans in Colombia now.

There is an unprecedented movement of people throughout the hemisphere. Our approach is to cut out the smugglers who are indeed vicious and cruel and to build safe, lawful, and orderly paths for people to arrive in the United States. And on January 5th, we announced a parole program for Cubans, Haitians, Nicaraguans, and Venezuelans that they could apply for entry into the United States in a safe and orderly way.

And we would deliver consequences if they arrive irregularly in between our ports of entry at the southern border. We have seen a 95 percent drop in the number of encounters of those four nationalities in between our ports of entry. People will take advantage of a safe, lawful, and orderly path if it is presented to them.

And we are cutting out the smuggling organizations precisely for the reasons that Senator Cruz mentioned. With respect to fentanyl, we are bringing the fight to the cartels in an unprecedented way. We have surged resources most recently in Operation Blue Lotus, which is already demonstrating significant results.

We are using our personnel -- our extraordinary personnel. We are using technology. We are using everything that we can bring to bear to fight the scourge of fentanyl and other synthetic opioids. We are also requesting of Congress additional resources so that we can enhance that fight. We need to work together to address a challenge that precedes this administration and we need to work on it together.

It is something that is killing far too many Americans.

ALEX PADILLA:

I agree. Thank you. And as you note, there's many of the ideas proposals that you and the White House have suggested that I agree with and support and several that have been proposed or suggested that I don't agree with, and we're having those constructive mature conversations. I want to make sure to touch base on a couple of other important issues including the Shelter and Services program was pleased to lead the effort last year to ensure there was adequate funding for the program, which was formerly known as the Emergency Food and Shelter Program, program that allows reimbursements for non-governmental organizations and local entities that provide shelter, transportation, and other services to migrants at the border.

Again, security and humanity in the process. It was previously housed under FEMA. Now the program is under CBP. So I just raise it to acknowledge this transition and formally request regular updates on the implementation of the new program to ensure that the entities that rely on these funds to play that supportive role that they have been can continue to access the funds that we make available.

ALEJANDRO MAYORKAS:

I appreciate your support of that program. The funding is critically needed. We have funded the Emergency Food and Shelter program with \$350 million of the 800 million. And of course we are standing up the SSP, the -- it's known by its acronym. And once that is stood up, of course we will -- we will be funding that with the balance of the 800 million and distributing it to cities for their care of individuals here --

ALEX PADILLA:

Next topic and next issue. Something that we've had a couple of conversations about. In 2022, the Army struggled to meet its recruiting goal of enlisting 60,000 soldiers. It only enlisted 45,000 that year. As our armed forces collectively look for ways to incentivize enlistment, one way -- not the only way, but one way that has worked throughout our nation's history is to ask immigrants who enlist or to ensure that immigrants who enlist are able to become citizens quickly as specified in the Immigration and Nationality Act. I understand that since July, the USCIS and the Department of Defense began work on a memorandum of agreement to formalize their partnership and to coordinate services for members of the military to naturalize early in their military careers.

When do you expect that MOU to be finalized and what tangible steps can we take to improve the naturalization rates of military service members?

ALEJANDRO MAYORKAS:

Senator, thank you very much for that. It is remarkable that individuals have been willing to serve in our armed forces before they have become citizens. We've made tremendous progress with the Department of Defense to allow individuals to naturalize who are serving in our armed forces at an earlier stage.

And we're going to be moving quickly on that now. We had a very significant development yesterday on that.

ALEX PADILLA:

Thank you. Look forward to working with you on that as well. And in my time remaining, I just wanted to acknowledge earlier in the hearing you brought up FEMA -- actually in your opening statement,

with the appropriate attention to Mississippi where the tornados and their impact are dominating the national news right now.

But I also feel a responsibility to remind my colleagues in you and the country about the California communities who continue to experience an onslaught of -- of devastating atmospheric rivers and the devastation in the wake of recent storms. Entire communities have been flooded. Farms are underwater, thousands of families being evacuated from their homes, and many who will not be able to return to work anytime soon or return to their home anytime soon.

And I want to specifically call attention to the community of Pajaro, which is a small, low income, predominantly farmworker community that has for decades been overlooked by FEMA, frankly, agencies at all levels of government, but specifically the Trump era individual assistance regulation under FEMA is exacerbating the hardship.

California struggled to meet FEMA thresholds for disaster assistance because the regulation established a new factor called the state fiscal capacity and resource availability to be considered when FEMA evaluates the need for individual assistance. So this isn't the public assistance for communities, cities, municipalities, etc.

to rebuild. We're talking individual assistance here. The rule has resulted in significant disparities and inequities. It's left out disaster vivers [ph] like those in Grizzly Flats suffered from wildfires just a couple of years ago. Without the support they need, communities like this continue to wait in limbo as California waits to tally up more and more damage than other states just to get the same level of federal assistance.

So I wanted to put that on your radar. I'm sure we'll continue to talk about this in HSGAC in the coming weeks, but we have to fix these

clear inequities in federal guidelines and regulations. Thank you, Mr. Secretary. Thank you, Mr. Chair.

ALEJANDRO MAYORKAS:

Look forward to following up with you, Senator.

DICK DURBIN:

Thanks, Senator Padilla. Senator Hawley.

JOSH HAWLEY:

Thank you, Mr. Chairman. Mr. Secretary, thank you for being here. Let me start with what I hope is a simple question. Do we need to have more or fewer people coming to our southern border?

ALEJANDRO MAYORKAS:

Senator -- Senator, we are working on diminishing the number of people whom we encounter at our southern border because of the challenge it presents. We're trying to build lawful, safe, and orderly pathways to accomplish that.

JOSH HAWLEY:

Okay. Fewer -- we need to have fewer. Which means we need to roll back incentives to come. So I would have -- I would have thought that would have been the answer. Let's talk about what you're doing though. In January of this year, you rolled out a new phone app called CBP One, an app for a cell phone. I've got a picture of it behind me here.

This phone app allows and I'm going to quote from your own fact sheet. It allows and I quote, noncitizens without appropriate

documents for admission to schedule an appointment to come to the border. They can now go on their phone and schedule a time to come to the border and then be admitted. And you identified seven separate border points of entry where they could come.

Five of them in Texas, two of them in California, one in Arizona. It's like a concierge service for illegal immigrants. My question is you didn't think the border crisis was bad enough that now we're going to have an app that allows illegals to schedule their appointments and come and be admitted to this country?

ALEJANDRO MAYORKAS:

Senator, you're mischaracterizing the use of the application. Let me -- let me explain it to you. We are currently enforcing the public health order of Title 42 and I know you're very familiar with it. There is a process for individuals who claim an exception to the Title 42 expulsion authority because of an acute medical condition.

JOSH HAWLEY:

Well, let's talk about this app --

ALEJANDRO MAYORKAS:

If I may finish. An urgent, an urgent humanitarian reason. So instead of them coming in between the ports of entry to claim that urgent medical condition that extraordinarily acute humanitarian cause, we allow a limited number to arrive at our ports of entry and seek the emergency relief that they need.

JOSH HAWLEY:



Schedule -- you allow them -- let's be -- let's be particular about what you do -

ALEJANDRO MAYORKAS:

-- say that the CBP One app was not unveiled for the first time on January 5th of this year.

JOSH HAWLEY:

Oh, no. But you changed it. You made it available on January 5th to the illegals themselves. You don't have to be a lawyer to use it. You don't have to be a member of a non-governmental organization. Anybody can download the app and use it on their phone. And for the first time, you allowed them to schedule appointments.

Now let's talk about what actually happens when they come to the border. It's interesting you characterize this when you rolled it out as an application for applying for asylum, but nowhere on the app do you actually require the illegal migrants to apply for asylum or to claim asylum or anything about asylum?

And in fact, when they then get to the border, you don't ask them questions, you don't do interviews, you just release them. Here's the Texas Monthly, not a notable conservative outlet, who reports and I quote, at no point, does the app ask users, are you seeking asylum? Those arriving for the CBP One appointments are given no interviews, asked no questions about vulnerabilities that they may or may not have listed in the app, or about why they're coming to the United States.

They're simply released into the country. End quote. So rather than building a wall, Mr. Secretary, you have built Ticketmaster for illegal

immigrants.

ALEJANDRO MAYORKAS:

You are -- Senator, you are conflating programs. Let me -- let me explain --

JOSH HAWLEY:

Just respond to this, is it true that they are given no interviews, asked no questions, and simply released into the country?

ALEJANDRO MAYORKAS:

Let me explain to you what we announced on January 5th.

JOSH HAWLEY:

No, I want you to explain to me what's happening. I know what you announced. I read it to you.

ALEJANDRO MAYORKAS:

So -- so I will explain to you what is happening.

JOSH HAWLEY:

Are they given interviews? Let's start with that. Are they given interviews?

ALEJANDRO MAYORKAS:

We were previously experiencing --

JOSH HAWLEY:

Almost sound like a no. Let's just -- let's just hone in here. Mr. Secretary, my time is very limited. I don't mean to interrupt you, but I want to drive to some clarity here. Are -- The Texas Monthly has reported that once illegal immigrants go on their phone and reserve their time to come to the border, once they use your concierge service that you've created for them, when they come, they are given no interviews, they are asked no questions about any vulnerabilities, they are simply released into the country.

Is that happening?

ALEJANDRO MAYORKAS:

Senator, you are mistaken. And if I may explain --

JOSH HAWLEY:

Are they given interviews?

ALEJANDRO MAYORKAS:

If I may explain. Individuals who seek parole under our January 5th program for Cubans, Haitians, Nicaraguans, and Venezuelans are screened and vetted before they arrive at our border.

JOSH HAWLEY:

Wait a minute. Wait a minute. No, no -- they go on and they go on the phone and they just reserve a time and then they show up and they're not given -- they're given nothing. Listen to this. Even immigration advocates are amazed about this. Here, also from the Texas Monthly. Here's one immigration advocate whose first name is Orda.

She says, that's the crazy part. Nothing in this new program requires you to actually seek asylum. Somehow we've decided to punish those

who arrive at the border without the app who may be seeking asylum, but we just let in anybody who may or may not have any particular reason to seek asylum so long as they've made an appointment on your Ticketmaster app.

This seems crazy to me.

ALEJANDRO MAYORKAS:

Senator, it's a complete mischaracterization of the program that we announced and are implementing --

JOSH HAWLEY:

So how many people have used -- how many people have used the app then?

ALEJANDRO MAYORKAS:

-- you are referring to. So if I can explain --

JOSH HAWLEY:

How many people have used the app?

ALEJANDRO MAYORKAS:

So we have -- we had a significant surge of Cubans --

JOSH HAWLEY:

How many People have used app?

ALEJANDRO MAYORKAS:

-- Nicaraguans --

JOSH HAWLEY:

Mr. Secretary, you're here to answer my questions. How many people have used the app?

ALEJANDRO MAYORKAS:

Tens of thousands have sought to make an appointment at the port of entry under our parole program.

JOSH HAWLEY:

Okay. Okay. Good. How many have been admitted without an interview at the border?

ALEJANDRO MAYORKAS:

Well, you are again inserting a fact that does not belong in your question. So if I can I will get you the --

JOSH HAWLEY:

[laughter] I'm reading to you from public reports about how your own app works. You're just blanket -- actually you're not quite denying it. You're saying that maybe we don't understand. Apparently, I don't understand, Texas Monthly doesn't understand, immigration advocates don't understand. You're the only one who understands.

Yet, you won't answer my question. How much did this cost to develop by the way?

ALEJANDRO MAYORKAS:

Senator, I don't have the cost, but let me share with you a critical --

JOSH HAWLEY:

Well, will you get it for us?

ALEJANDRO MAYORKAS:

Let me share with you a critical --

JOSH HAWLEY:

Will you get us the cost of what -- to develop this app? Did you use --  
did you contract with the tech firm to develop it?

ALEJANDRO MAYORKAS:

Senator, we have seen approximately --

JOSH HAWLEY:

Did you contract with the tech firm to develop it?

ALEJANDRO MAYORKAS:

We have seen an approximately --

JOSH HAWLEY:

Oh, for heaven's sake.

ALEJANDRO MAYORKAS:

-- 95 percent decrease --

JOSH HAWLEY:

Did you contract with a tech firm to develop it? Yes or no.

ALEJANDRO MAYORKAS:

Senator, this was led by US Customs and Border Protection, our technical experts within the agency. And I certainly will get an answer to your question whether outside consultants were utilized --

JOSH HAWLEY:

So you don't know.

ALEJANDRO MAYORKAS:

-- development process.

JOSH HAWLEY:

You don't know.

ALEJANDRO MAYORKAS:

May I -- may I explain to you since you have a misunderstanding of the program what it is and the impact -- the positive impact it has had on encounters of these four populations in between --

JOSH HAWLEY:

I just want to know why it is that you are allowing people to come to this border, to make appointments, to not be interviewed, and then how many have just been released. Is it true by the way, as the Texas Monthly reports that they're simply released into the country on official parole? And get this, they're not given, according to their reporting, any kind of follow up. Their court dates are in immigration court, Texas Monthly reports, not even necessarily asylum trials.

They're often general deportation hearings where defendants can make arguments for remaining in the country. Is that true?

ALEJANDRO MAYORKAS:

That is completely mistaken understanding of how the immigration process works. That language is completely confusing and erroneous.

JOSH HAWLEY:

[laughter] Well, it is confusing. What's confusing is why anybody would think that an app like this to allow illegal immigrants to literally reserve a time to come to the border and then be ushered in without an interview, without follow up, without tracking is stunning. It's absolutely stunning. Let me ask you in my very short time remaining something else about Chinese nationals.

I've only got a minute left.

ALEJANDRO MAYORKAS:

That is false.

JOSH HAWLEY:

Let me ask you about -- about the Chinese nationals who we all saw coming over the border, busloads of them and then being released into the American interior. What's the -- what's the percentage increase of Chinese nationals who crossed the border this year? Mr. Secretary, let's just focus on maybe the Rio Grande Valley?

ALEJANDRO MAYORKAS:

The number of -- the -- the number of Chinese nationals encountered at our southern border has increased significantly --



JOSH HAWLEY:

Do you know how much?

ALEJANDRO MAYORKAS:

-- over the past -- I don't have the precise --

JOSH HAWLEY:

I do. It's -- it's 900 percent just in the Rio Grande Valley sector. Are any of -- any of these people who came in this bus, these Chinese nationals, members of the Chinese Communist Party?

ALEJANDRO MAYORKAS:

Senator, if an individual presents a national security or public safety threat, we detain them during the pendency --

JOSH HAWLEY:

That's not, but that's not what I asked. I asked if there are members of the CCP?

ALEJANDRO MAYORKAS:

During the pendency of their removal proceedings --

JOSH HAWLEY:

Are any of these individuals members of the CCP? I think there's about 70 who came on this bus.

ALEJANDRO MAYORKAS:

If indeed they are determined to be a national security threat or a threat to public safety, we detain them pending their removal proceedings.

JOSH HAWLEY:

Were any of these individuals detained or were they released into the country?

ALEJANDRO MAYORKAS:

I don't have awareness of that particular group of individuals.

JOSH HAWLEY:

And so you don't know if any of them were members of the CCP or actually you do know you just won't say?

ALEJANDRO MAYORKAS:

I don't know from the photograph, Senator, to whom --

JOSH HAWLEY:

But surely you know about the folks. You've read this report. You're the Secretary of Homeland Security. You're aware of these individuals. Were any of them members of the Chinese Communist Party coming into this country?

ALEJANDRO MAYORKAS:

Senator, you're providing me with a group of individuals without names, identities, or --

JOSH HAWLEY:

So you're not familiar with this incident that was widely reported on at the southern border? Don't you think it's strange that we have busloads of Chinese nationals coming across our southern border? I'm asking you -- from a hostile country, I'm asking you if they're members of the Chinese Communist Party. And you won't -- you don't know, apparently. You won't say.

ALEJANDRO MAYORKAS:

We are very focused on all things with respect to the People's Republic of China.

JOSH HAWLEY:

But you don't know any of the details. I plead exhaustion, Mr. Secretary. You have exhausted me. You have exhausted this panel. You have exhausted the patience of the American people. You should resign.

DICK DURBIN:

Senator Welch.

PETER WELCH:

Thank you very much. Welcome. Just a couple of things. First of all, a brief statement and then I'd like to ask you about some of these questions, including giving you an opportunity, perhaps, to elaborate on the question that Senator Hawley was asking. But first of all, Mr. Chairman, let me express the frustration I have about this whole issue.

We conflate everything into one thing and never start talking specifically about the elements that we have to address. We've got a

drug problem with fentanyl. That's separate from immigration. But, some of it comes in on the border. And that's a serious conversation, in my view, that deserves its own focus.

Second, we have a labor problem. We need more H1 -- H2A and H2B visas. And I believe that could be dealt with and addressed separately to try to meet the needs that many of our employers have and also to get some more control and management on the border. Third, we've got these young people who are not so young now, many of whom have served in the military.

But, they were brought over by their parents when they were seven or eight or nine years old. We have one who's a graduate of UVM Medical School, and he has an uncertain status. And the only country he's ever really known is the United States, and he's a big contributor. We should be dealing with the Dreamers separately.

And then fourth, we've got an incredible challenge at the southern border and an emerging challenge at the northern border. So, whether you want to use the term crisis or not, it is a very serious problem. When two million people show up at your door, that's a problem because we don't have the capacity to accommodate that.

And probably our toughest issue. Now, some of these issues are because Congress has failed to act. I think Senator Lee made some really good points about parole. But, that's within our jurisdiction to define what that is. And if we do nothing, how can we blame an administration for trying to do something that makes sense to try to get some control over the border?

So this is on Congress. And, you know, Senator Cruz I -- maybe I would use the term crisis at the border because two million people showing up -- you know, that's a really serious problem. But, it's not as

though -- that any individual who has Mr. Mayorkas's job, whether in the Trump administration and the Biden administration can control a lot of what happens.

And the thing that we're not acknowledging here -- you said if you have two million people showing up because of various factors that makes them so desperate that they'll even come with their children, a war in Ukraine, a rogue rebel group showing up in the Sierra Leone chopping off hands of 16 year old kids who then apply for refugee status, or failed states in Cuba, in Venezuela, and Nicaragua and people being so desperate, they're willing to risk walking through the Darien gap.

I mean, Secretary Mayorkas can't handle that. And I mean, you can't stop those factors. You have nothing to do with them. You've got to deal with the consequences of them. And my view is that each one of these elements that I've described has an urgency of its own and requires focused attention, including some of these legal questions that, Senator Cruz, you've raised and Senator Lee has raised.

That's just by way of background to express my own frustration about what I see as a failure of Congress to do its part. Now, Secretary Mayorkas, I want to give you a chance to address the questions that Senator Hawley was raising and just take a minute to do that.

ALEJANDRO MAYORKAS:

So, thank you, Senator. So, let me -- let me explain the program that we announced and have been implementing since January 5th because it's been tremendously successful. We were encountering --

PETER WELCH:

--But quickly.

ALEJANDRO MAYORKAS:

We were encountering a significant number of individuals from Cuba, Haiti, Nicaragua and Venezuela. And with respect to Cuba, Nicaragua, and Venezuela -- Venezuela specifically, it's extremely difficult to remove individuals from those countries because of the status of our lack of diplomatic relations. We were seeing, in one month, up to 90,000 encounters of individuals from those four countries in between our ports of entry in one month.

And what we did, because we do see tremendous tragedy at the hands of the smuggling organizations, is develop a safe, lawful and orderly way for them to come to the United States instead of placing their lives and their life savings in the hands of the smugglers.

PETER WELCH:

Alright. Thank you.

ALEJANDRO MAYORKAS:

We have seen a 95 percent drop in the number of individuals from those countries encountered at our southern border in between the ports of entry because people will take a lawful, safe, and orderly path and not take an irregular path at the hands of smugglers.

PETER WELCH:

Okay. Thank you. I want to go to fentanyl. Senator Cornyn led a CODEL to Mexico and it was tremendous and constructive and I want to thank him for that. Senator Lee was on that. There was an interaction with the President of Mexico, led by Chris Murphy and

also by -- by Jerry Moran, senators who confronted the President about the precursor drugs that are coming into Mexico from China and then used in the manufacturing of fentanyl that comes up to the United States.

And they asked and received what I heard was a very strong commitment on the part of the President of Mexico to address China. We don't really have that opportunity. But to address China about stopping those precursors. That's a level of cooperation that we need more of. Would you agree?

ALEJANDRO MAYORKAS:

Yes -- yes, indeed. And we've spoken as well with our Mexican counterparts about the need to interdict the precursor chemicals as well as the manufacturing.

PETER WELCH:

President Obrador had a real objection to all the guns that are coming from the US into Mexico and then ending up in the hands of cartels that just commit unspeakable violence with them. Are we doing all we can to cooperate with the president to keep our guns from going south?

ALEJANDRO MAYORKAS:

Yes, we are, Senator.

PETER WELCH:

Now you have authorities under Section 702 of FISA. Is that helpful at all to you with respect to addressing the fentanyl crisis?

ALEJANDRO MAYORKAS:

It is extraordinarily helpful. We have over the years stopped terrorism -- terrorists from arriving in the United States using our 702 authority, our intelligence collection capabilities with respect to foreign nationals.

PETER WELCH:

What are the concrete steps we can take to try to alleviate the pressure on the southern border that you would recommend that we pay more attention to?

ALEJANDRO MAYORKAS:

I would say there are multiple. Number one, first and foremost, we have to fix our broken immigration system. Everyone agrees it is broken. Number two, we need to build safe, lawful, and orderly pathways, so people do not place their lives in the hands of smugglers. We have to cut the smuggling organizations out, and we have to reduce irregular migration and build lawful pathways.

And, three, we have to address the root causes, what you spoke of at the very outset. Why do people leave their homes, their countries of origin to travel through multiple countries to ultimately reach the United States or elsewhere? Because we're seeing enormous migration throughout the entire hemisphere.

PETER WELCH:

In my final minute, let me ask you about the northern border. This is Vermont and New York as well. We're seeing a surge between October 1st and December 31st, 2022. CPP apprehended 1146 migrants crossing into the US through the Swanton sector. That's up in



northwest Vermont During that same period in 2021, it was only 136 migrants.

More are crossing from the United States into Canada at the northern border. What are we doing about the situation of migrants from the US traveling to Canada and Canada to the US?

ALEJANDRO MAYORKAS:

So, we're very focused on that, Senator, as I mentioned earlier in my testimony. And what we did -- what we announced just last week is a perfect example of our focus. We finished -- we promulgated the Safe Third Country Agreement with Canada to bring greater enforcement authority to both our countries with respect to encounters in between the ports of entry.

PETER WELCH:

Okay, thank you. And just before I yield back, I would just say to all of my colleagues, we can have whoever happens to be the secretary of Homeland Security, bring them in and beat them up or we can do our job. And my hope is we could do our job. I yield back.

MIKE LEE:

Madam Chair.

MAZIE HIRONO:

Call on Senator Cotton for --

MIKE LEE:

--I'd just like to offer by unanimous consent to admit two documents into the record. One is a news article dated March 22nd and bearing

the caption "Biden Administration Scaling Back Detention of Illegal Immigrants Despite Migrant Surge." The other is the ICE Budget Overview from FY 2024 showing what the Biden administration is doing to scale back funding for bed space and bed space.

Thanks. Without objection. Senator Cotton.

TOM COTTON:

Secretary Mayorkas, the Uighur people are a religious and ethnic minority in northwest China. Your administration and the last administration have both concluded that the Chinese government is committing genocide against these people. Do you agree with that assessment?

ALEJANDRO MAYORKAS:

Yes, I do. And it's why we are so vigorously enforcing the Uyghur Forced Labor Prevention Act.

TOM COTTON:

Well, thank you for the candid answer on that. That's much better than, for instance, the TikTok CEO could give last week about the genocide against those people. Part of Congress's reaction, as you suggested, was in 2021 passing a bill that I and many others sponsored. In fact, I think it was a majority of senators -- known as the Uyghur Forced Labor Prevention Act. It passed the Senate unanimously.

So, I know that you're familiar with it. The law requires Customs and Border Protection at DHS to presume that materials sourced from that province are produced by forced labor because of the widespread

usage of forced labor in the province among the suppressed people. It bars those products from importation into the United States.

And under that law, every textile manufacturer has to certify that their imported materials aren't sourced from Xinjiang Province in China. It's come to my attention that a veteran owned company called Nine Line Apparel, which prides itself on ethically sourced products recently decided to trust but verify their supplier certifications that the cotton they were using originated in Central America rather than in China.

So, they had their supposedly clean textile imports professionally tested. It turned out that slave produced fabric from China was mixed in and passed off as Central American cotton. Nine Line Apparel did the right thing, got rid of all that material and they reported it to Customs and Border Protection, offering to give them all the evidence they needed From their professional testing facility.

But, unfortunately, CBP decided not to follow up. They directed Nine Line Apparel to submit a complaint to a generic email box, which was not replied to. When Nine Line Apparel CEO then followed up by calling CBP directly, CBP told him that enforcing this act -- this ban on slave produced textiles and other fabric is not one of their top priorities.

Mr. Secretary, is enforcing the federal ban on slave produced products and materials from China a top priority for your department?

ALEJANDRO MAYORKAS:

It most certainly is.

TOM COTTON:

Why would CBP have told the CEO of Nine Line Apparel that this is not a top priority?

ALEJANDRO MAYORKAS:

I am -- that is not a reflection of our prioritization of this work nor is it consistent with our prioritization of this work. And I must say that the act is an incredibly important statute that Congress passed and I appreciate your leadership in achieving it. It is something that we enforce very, very vigorously and need to do so. And I should say that the act provides that it is -- it pertains to materials produced in whole or in part with forced labor.

And I cite that because that is very important language because we do not countenance at all the use of forced labor by the PRC and we cannot allow materials into the United States that are in violation of the statute.

TOM COTTON:

Thank you for that answer, Mr. Secretary. I think it's important that we hear that here in public for everyone in CBP to hear that their secretary believes that the enforcement of the Uyghur Forced Labor Prevention Act is a top priority. Correct?

ALEJANDRO MAYORKAS:

Oh, yes. And let me assure you that the personnel of CBP are in perfect lockstep with me.

TOM COTTON:

Well, they -- I know that sometimes in bureaucracies, messages don't always get transmitted as clearly as leaders might like. So, I'm glad

that we have you saying that clearly today. I would also like to be able to follow up with you and your team in the next couple of weeks about this specific case of Nine Line Apparel.

ALEJANDRO MAYORKAS:

I look forward to it.

TOM COTTON:

And see what might have happened in that matter.

ALEJANDRO MAYORKAS:

I look forward to doing so.

TOM COTTON:

Second, I want to turn to TikTok. We've had a lot of talk about fentanyl today, rightly so, given the surge in drug deaths in this country. TikTok has sometimes been referred to as digital fentanyl. You may have seen last week that the CEO of TikTok testified. And he tried to pass off this Chinese communist spying app as safe because it had a, quote, "US based team" who oversees the massive amounts of Americans data that TikTok vacuums up. So, I want to talk about those US based employees.

Last year, your department approved more than 700 applications for foreign nationals to work at TikTok and Bytedance's offices in California. Do you happen to recall how many of those 700 were Chinese nationals?

ALEJANDRO MAYORKAS:

Let me -- let me assure you, Senator, that we are very focused on the threat that TikTok presents. And we are very, very focused on the threat that the PRC presents in a number of different areas.

TOM COTTON:

So, I'll come -- I'll come to that general threat in a moment. I'm just -- do you recall how many of those 700 foreign nationals that were approved to work at TikTok and Bytedance's California offices were Chinese nationals?

ALEJANDRO MAYORKAS:

Senator, I would be very pleased to look into that.

TOM COTTON:

It's 445. It doesn't sound like a US based team to me, despite whatever Shou Chew, the CEO of TikTok said last week, if they're predominantly Chinese nationals. Do you think employees coming to work at dance and TikTok in the United States might be tied to the Chinese Communist Party or the People's Liberation Army?

ALEJANDRO MAYORKAS:

Senator, that is indeed a concern of ours and we are working to ensure that the visa screening process is as robust and vigilant as it needs to be. Now let me -- let me share also that, of course, the TikTok transaction is something that is under review and is the subject of litigation. We are very, very focused on the peril that TikTok presents.

TOM COTTON:

I understand. I think TikTok should have been banned a long time ago. I would point out that last week, as the administration floated this plan, so-called Project Texas, which I think is deeply misguided, and the sale of TikTok China's government said they would never allow that to happen, which contradicts everything TikTok has ever said about not being beholden to the Chinese government.

But, I want to come back to your department. The Cybersecurity and Infrastructure Security Agency, or CISA, reports to you. They call themselves America's Cyber Defense Agency. I looked on their website recently. As far as I can tell though, CISA has never issued a warning about TikTok other than to recommend people update the TikTok app to fix software bugs.

I got to say I'm less concerned about bugs in TikTok than I am about features in TikTok. And the features of TikTok is it's designed to vacuum up every bit of data on an American's phone, not just their videos from the app itself, but their contacts, their emails, their text messages, or photos, perhaps even activate their microphones and their cameras remotely.

So, has CISA ever issued a warning to the American people about TikTok other than updating the software to avoid bugs?

ALEJANDRO MAYORKAS:

Senator, CISA's focus is indeed on cybersecurity. We are a member of the Committee for Foreign Investments in the United States, CFIUS, of which you are very familiar. And we -- and across the administration are focused on the TikTok challenge more broadly.

TOM COTTON:

Well, I would encourage you and CISA to take a more -- or to take a closer look at this and make it more prominent on the website. I think many Americans still don't understand why so many of their elected officials are so hostile to TikTok. Even that hearing last week when Democrats and Republicans alike excoriated the disgraceful performance of Shou Chew, the TikTok CEO, they're still wondering why their elected officials are so worried about their privacy and their security.

Let's turn to Mr. Chew. Do you know what nationality Shou Chew is?

ALEJANDRO MAYORKAS:

I do not, Senator.

TOM COTTON:

It's hard to find out on the Internet what he is. He's often referred to as a Singaporean. He spent a lot of time in America though, if you look at his resume. I assume that he's not an American citizen because if he was, I'm pretty sure TikTok would refer to him as our American CEO, as they did his short term predecessor.

ALEJANDRO MAYORKAS:

Senator, just a number of months ago, I was in Singapore and to -- to address in the Indo-Pacific region, the threat that the PRC presents when countries accept their loans. There's no free lunch, as I articulated in my remarks and how precarious it is to allow the PRC to actually build and own the infrastructure upon which many of these countries rely.

TOM COTTON:



Well, I appreciate that. I just have a few concluding thoughts with Mr. Chew, who seems to me like a Communist Party stooge and an agent of communist influence in America. You know, he wouldn't admit what you admitted very quickly and highlighted the importance of, that China is committing a genocide against its own people.

In fact, I think he was asked once if TikTok spies on Americans and his answer was that he wouldn't use the word spying as exactly the right word. So, the Immigration and Nationality Act makes any alien deportable if they, quote, "engage in any activity to violate any law of the United States relating to espionage or sabotage or a few other things." It seems to me that Mr. Chew is a foreign national in the United States representing an -- essentially an arm or an agency of the Chinese Communist Party, as they acknowledged last week.

He shouldn't be allowed to stay in the United States and he certainly shouldn't be invited back in. I don't think we need agents of Chinese communist influence in our country, especially coming to spread their lies in the United States Congress. I see my time has expired. I look forward to following up with you on the Forced Labor Act matter.

And thank you for clarifying that for all of your CBP officers around the country.

ALEJANDRO MAYORKAS:

Thank you, Senator.

MAZIE HIRONO:

I call on myself for ten minutes. Welcome, Mr. Secretary. I would ask for unanimous consent to enter into the record an opinion piece by two governors, Eric Holcomb, Republican governor of Indiana,

Spencer Cox, Republican governor of Utah. And it is an opinion piece for The Washington Post entitled "To Solve Our National Immigration Crisis Let states sponsor Immigrants." They call upon Congress to end the two decade long impasse regarding comprehensive immigration reform.

And they note that we are a nation of immigrants. And I know that, Mr. Secretary, you are a political refugee. And since you came to our country seeking a better life, your parents and you, which is why most immigrants come to this country, you have spent decades as a federal prosecutor and a public servant in the United States and I thank you for that.

And of course as the only immigrant serving in the US Senate right now, I certainly understand the desire to come to -- parental desire to come to this country to create a better life for themselves and their children. Certainly the case for me and it informs what I do and why I do it. The Trump administration completed 472 executive actions related to immigration policy, many of which were punitive and cruel.

In fact, there were people who said that cruelty was the intent of these policies. And who can forget the pictures of children who literally were ripped from the arms of their parents crying for their parents in our detention facilities? And only when a court ordered reunification did the Trump administration then try to unify these children.

And it was difficult because the administration had absolutely no desire or goal to reunify these children with their parents. So, they didn't keep track of -- of the children and their parents. So, these were inhumane policies. And I heard today that maybe if we reverted to those policies, that we would be solving our immigration problems.

Mr. Secretary would reverting to cruel and inhumane policies like child separation or an asylum ban be the answer?

ALEJANDRO MAYORKAS:

Senator, I appreciate your remarks about why people come to this country for a better life. I appreciate your mention of my personal journey to this -- United States. My parents brought my sister and me here to live in a democracy. The communist regime took everything away that my father had and it is why I have served for approximately 22 years in federal service on behalf of the United States government to give back to this country.

Senator, there is a core principle of our administration. We are a nation of laws, and we are a nation of immigrants And how we enforce our laws and the policies that we promulgate, the policies that we issue must reflect our values. And you cite one of the most heinous policies of the prior administration: family separation, to remove young children out of the clutches of their parents in an effort to deter other individuals from coming to the United States and assert an asylum claim.

I'm very proud to lead the Family Reunification Task Force that the president ordered by way of executive action. And we have reunited more than 600 of those children with their parents here in the United States. And our work is not done.

MAZIE HIRONO:

And certainly going back to those policies are not the answer. In fact, let me turn to a program that I think is better positioned to address some of the issues relating to immigration. In 2016, DHS implemented a detention alternative, the Family Case Management

program, initially for five years. The Trump DHS shut it down after only one and a half years.

But, the data showed that this more humane program was almost also more cost effective than detention. And it has an amazing compliance rate with more than 99 percent appearance rates at check ins and court hearings. I understand that DHS has a -- has relaunched a program to provide case management services to some immigrants.

Given the success of the Family Case Management Program, do you expect to see similar results with the new program?

ALEJANDRO MAYORKAS:

Yes, yes, I do, Senator. And in fact, we've -- we've done more than that. Just recently, I asked the Homeland Security Advisory Council, an outside body, to take a look at our alternatives to detention programs, including the case management pilot to which you refer and to provide recommendations about what are the most humane as well as effective programs to ensure that people can comply with their legal obligations in a very, very complex immigration system that everyone agrees is fundamentally broken and in dire need of repair And that's been the case for decades.

MAZIE HIRONO:

I think -- I'm really glad that you continue to emphasize the humane policies that we should be following rather than policies where cruelty seemed to be the object of the policy. Certainly the -- the tearing of children from the arms of their parents can be -- cannot be characterized as anything, but cruel.

I mentioned the op ed that this -- the two governors, Republican governors wrote and they are facing literally over 100,000 worker shortages in both of their states. And we are facing a severe worker shortage in our country. And I want to quote the Chamber of Commerce, maybe the first time that I would quote, Chamber of Commerce.

And they said, quote, "The vast shortcomings of our legal immigration system are a key contributing factor as to why companies are struggling to hire and retain the talent they need to succeed in an increasingly competitive global marketplace," end quote. Mr. Secretary, is a worker shortage, especially in cybersecurity, for example, a security threat?

And whose job is it to fix our legal immigration system?

ALEJANDRO MAYORKAS:

So, Senator, it is an economic security threat, The -- the shortage of workers -- we have employers who are striving to hire, to find people who could fill jobs to contribute to our country's economic prosperity. Regrettably, regrettably, our legal immigration system is not designed to meet that need of employers here in the United States despite the fact -- despite the fact that individuals from other countries want to come here to work even seasonally, even temporarily earn the money that they can bring back to their home countries and support their families there.

It is precisely why in the H-2B program, the seasonal non agricultural worker program, we allocated thousands of H-2B visas for the Central American countries of Guatemala, Honduras, and El Salvador so that those individuals in desperate need of a better life do not have to place their lives in the hands of smugglers, take the perilous journey to our

southern border and arrive in between the southern -- in between the ports of entry, if indeed they make it safely.

But instead, to fulfill the need for labor here in the United States, we can screen and vet these individuals in their home Countries and they can travel safely to the United States by air, gain lawful employment, contribute to our economy, return to their home countries with the earnings that they've made and address fundamentally the root causes of why people travel irregularly in the first place.

ALEJANDRO MAYORKAS:

We just cannot seem to fix a system that is broken.

MAZIE K. HIRONO:

Mr. Secretary, you and I as immigrants, we know why our families brought us to this country. It is to give us a better life. I came here with nothing, and a single parent. And I just wish that my colleagues who talk about their own families and their -- their -- their grandparents, their parents being immigrants, they seem to have forgotten the struggles that they experienced to make a better life for them.

And here we all are. You know, there was a time not too long ago in 2013 when we managed to get comprehensive immigration reform done. It didn't solve all of the crises that we face, but it was at least a start. And it was actually bipartisan. Some of my colleagues sitting here were very involved in doing that.

And I'm thinking why does the Chamber of Commerce have to come forward and practically beg us to -- to pay attention to the massive worker shortage in our country? Why do two Republican governors who don't want to wait around any longer for Congress whose

responsibility -- I'm answering my own question now, who's responsibility it is to do comprehensive immigration reform.

These two governors, Republican governors saying we can't wait for you guys. We would like to be able to bring immigrants to our states so that they are -- they can have the kind of strong economy that they seek for their states. So, my goodness, why can't we get it done? We did it before. My time is up. Thank you, Mr. Chairman.

DICK DURBIN:

I liked your testimony so much, I didn't want to interrupt you, but thank you, Senator Hirono. Senator Kennedy?

JOHN KENNEDY:

Thank you, Mr. Chairman. Welcome, Mr. Secretary.

ALEJANDRO MAYORKAS:

Thank you, Senator.

JOHN KENNEDY:

Mr. Secretary, do you agree with the president that we should ban the private ownership of assault weapons in America?

ALEJANDRO MAYORKAS:

Senator, I do.

JOHN KENNEDY:

What is an assault weapon?

ALEJANDRO MAYORKAS:

It is, for example, an AK 47.

JOHN KENNEDY:

Uh, can you give me a definition other than just pointing to a specific weapon. Would there be other weapons besides an AK 47 you would ban?

ALEJANDRO MAYORKAS:

There -- very well are. And I remember when I was a federal prosecutor in the Central District of California from September 25th, 1989, to, I believe it was April 2001.

JOHN KENNEDY:

And I thank you for your service, but if you could answer my question.

ALEJANDRO MAYORKAS:

All of the -- all of the law enforcement -- the -- the vast majority of law enforcement officers, leaders with whom I worked were greatly in support of the assault weapons ban because of --

JOHN KENNEDY:

Mr. Chairman, [ph] do you know why we get so frustrated with you? Because you won't give straight answers.

ALEJANDRO MAYORKAS:

I think I just did.

JOHN KENNEDY:



No, you didn't. No, you didn't. Do you have an -- a -- a definition of an assault weapon?

ALEJANDRO MAYORKAS:

I am confident there is a technical definition of what is an assault weapon. And it was assuredly used in the context of the statute that previously existed banning assault weapons.

JOHN KENNEDY:

Mr. -- Mr. Secretary, our -- our southern border is not secure, is it?

ALEJANDRO MAYORKAS:

Senator, I have spoken about this. I believe I've addressed this earlier in the hearing. Let me --

JOHN KENNEDY:

Why don't you address again?

ALEJANDRO MAYORKAS:

Of course. Let me -- let me share with you a few things. Number one, when I speak of the security of the border, I am speaking of maximizing the resources we have to deliver the most effective results. And let me assure you that we are doing --

JOHN KENNEDY:

So, we -- we -- we -- it secure because we're trying to secure it. Are we succeeding?

ALEJANDRO MAYORKAS:

Senator, we are so focused on the security of our southern border. We are doing so much with respect not the surge of personnel.

JOHN KENNEDY:

But you're not succeeding. How -- how are you --. You're not succeeding.

ALEJANDRO MAYORKAS:

Oh, Senator, let me share with you that the challenge of migration that we are experiencing at our southern border is not exclusive to the United States. It is something that is gripping the entire hemisphere.

JOHN KENNEDY:

But my job is to worry about the United States, Mr. Chairman.

ALEJANDRO MAYORKAS:

As is mine. As is mine.

JOHN KENNEDY:

And -- and here -- here's my question. Let me try to rephrase it. And I really do wish -- I understand the position you're in, but you really should try to do a better job of answering the questions. Under the Biden administration, we have the most encounters -- we have had the most encounters with people attempting to come into our country illegally in the history of ever.

Under the Biden administration, we have had the most people entering our country illegally in the history of ever. Under the Biden administration, we have had the most got-a-ways at our southern border in the history of ever. Under the Biden administration, we have

had the most number of people entering our country under a claim of asylum having a claim turn down and still not being deported in the history of ever.

And under the Biden administration, we've had the most fentanyl coming into our country in the history -- history of ever. How can you possibly say the southern border is secure?

ALEJANDRO MAYORKAS:

Do you --

JOHN KENNEDY:

I understand your answer that you're trying, but I'm not asking about your efforts. I'm asking about the results.

ALEJANDRO MAYORKAS:

Well, let's talk about the results then, Senator. Do you know that last year we expelled and removed approximately 1.4 million people from the southern border? I believe that's the most ever. Do you realize that we are focused on enforcing our laws to achieve the security of the southern border?

JOHN KENNEDY:

I know you're focused, Mr. Chairman, but you -- or Mr. Secretary, but you're not succeeding.

ALEJANDRO MAYORKAS:

Senator, I just --

JOHN KENNEDY:

And when you come testify to us, you talk about how you're trying really hard. And -- and I don't have any way to disprove that. I accept that statement in good faith. But the numbers belie that.

ALEJANDRO MAYORKAS:

If I can, Senator, let me give you an example of a solution that we have delivered that for some reason is being contested.

JOHN KENNEDY:

Mr. --

ALEJANDRO MAYORKAS:

No, no. Because it's -- it's caused a 95 --

JOHN KENNEDY:

Mr. Secretary, I give you 30 seconds, OK? Don't -- don't -- don't --

ALEJANDRO MAYORKAS:

It's caused a 95 --

JOHN KENNEDY:

Don't filibuster me.

ALEJANDRO MAYORKAS:

It's caused --

JOHN KENNEDY:

You've been doing that all day. I'm just trying to ask you a question.

ALEJANDRO MAYORKAS:

I'm just trying to communicate. It has -- it has led to an approximately 95 percent drop in the number of encounters in between the ports of entry at our southern border of Cubans, Haitians, Nicaraguans and Venezuelans.

JOHN KENNEDY:

Mr. Secretary --

ALEJANDRO MAYORKAS:

On January 5th.

JOHN KENNEDY:

Mr. Secretary --

ALEJANDRO MAYORKAS:

And why would that be opposed when it is delivering precisely the result that you seek?

JOHN KENNEDY:

Did you just parachute in from another planet, Mr. Secretary? Because you're the only person in the Milky Way who believes that we're not having massive, massive illegal immigration into America?

ALEJANDRO MAYORKAS:

Senator, you're -- you're putting words into my mouth. There is -- there is --

JOHN KENNEDY:

No, sir. I am accurately describing the situation.

ALEJANDRO MAYORKAS:

There is no question, there is no question that we have a very serious challenge at our southern border.

JOHN KENNEDY:

OK.

ALEJANDRO MAYORKAS:

It is a challenge --

JOHN KENNEDY:

We can agree on that. Let me ask you another question. Why don't you just declare a new policy that other than children, if you present it the southern border, you claim refugee status, you claim political asylum, and you haven't claimed refugee status and political asylum at the first safe country then you can't come in?

ALEJANDRO MAYORKAS:

Senator, so first of all, when one presents at the border, it's an asylum claim not a refugee --

JOHN KENNEDY:

Well, why don't you do that? Why don't you just unilaterally declare that a safe third country policy? It would work. You can't come into America if you're coming from Venezuela and you come through

Mexico, if you didn't claim asylum in Mexico, you can't come here.  
You have to leave. Why don't you just do that?

ALEJANDRO MAYORKAS:

Well, Senator, let me give you an example with respect to Mexico, a  
safe third country agreement, let's hypothetically assume --

JOHN KENNEDY:

You don't have to have an agreement with Mexico.

ALEJANDRO MAYORKAS:

Yes, you do.

JOHN KENNEDY:

No, you don't.

ALEJANDRO MAYORKAS:

I believe you do, Senator.

JOHN KENNEDY:

No, you don't.

ALEJANDRO MAYORKAS:

I'll have to --

JOHN KENNEDY:

Other countries don't do it. Just adopt a policy that says except for  
children, because you don't want to send children back by themselves,

just adopt a new policy that if you -- if you didn't seek asylum in the first safe third country, you can't come in, period?

ALEJANDRO MAYORKAS:

Senator, are you aware of the notice of proposed rulemaking that we issued the comment period of which closed yesterday which --

JOHN KENNEDY:

You've had two years to adopt a policy like I just described. Why haven't you done it?

ALEJANDRO MAYORKAS:

So, Senator, what we have done is we have --

JOHN KENNEDY:

But why have you done -- haven't you done that?

ALEJANDRO MAYORKAS:

We have surged enforcement resources. We have developed --

JOHN KENNEDY:

Well, why haven't you just adopted -- Please, if you would, Mr. Secretary, answer my question.

ALEJANDRO MAYORKAS:

It is my understanding --

JOHN KENNEDY:



Why haven't you -- why haven't you adopted unilaterally a safe third country policy that would stop, except for children, all the folks from the Northern Triangle countries, all the folks from Venezuela, all the folks from Cuba, all the folks from the Middle East from coming into our country? Why haven't you done that?

ALEJANDRO MAYORKAS:

Senator, it's my understanding that -- those two things. It is my understanding that those agreements do require --

JOHN KENNEDY:

You don't have to have an agreement with anybody. It can be a policy established by the Department of Homeland Security.

ALEJANDRO MAYORKAS:

Senator, I'd have to review the --

JOHN KENNEDY:

You haven't reviewed that? You haven't considered that possibility?

ALEJANDRO MAYORKAS:

Let me -- let me finish if I may?

JOHN KENNEDY:

Sure.

ALEJANDRO MAYORKAS:

I would have to review the -- under the legal underpinnings of your --

JOHN KENNEDY:

Well, you better get to reviewing.

ALEJANDRO MAYORKAS:

And also --

JOHN KENNEDY:

You ought to get to reviewing. This is the first time that's occurred to you.

ALEJANDRO MAYORKAS:

I also do not think that that is sound policy to shut --

JOHN KENNEDY:

You don't think that's -- that this is the first time that's occurred to you?

ALEJANDRO MAYORKAS:

I also do not think that that is sound policy that we should shut down our entire asylum system.

JOHN KENNEDY:

I didn't say shut down the entire asylum system. I said safe third country. All you have to do, Mr. Secretary, if you are really serious and it's beginning frankly to appear that you're not, is adopt a policy that says we're not -- we're not seeking anyone's agreement. We don't have to. If you're coming from another country and you come through, let's say Mexico, and say your -- your -- your seeking asylum, you have to

seek it in Mexico or the other first safe third country or you can come in. Period.

Done. End of story. Why don't you do that?

ALEJANDRO MAYORKAS:

Senator, I don't think that we have the unilateral authority.

JOHN KENNEDY:

Sure you do. Other countries do it.

ALEJANDRO MAYORKAS:

Number one. And number two, as I mentioned --

JOHN KENNEDY:

Have you -- try speaking into China.

ALEJANDRO MAYORKAS:

As I've mentioned, I do not think that is sound policy.

JOHN KENNEDY:

Why?

ALEJANDRO MAYORKAS:

Because you are basically shutting down our asylum system.

JOHN KENNEDY:

No, you're not. You're saying we respect -- we honor your right to seek political asylum. But -- but you're cherry picking. Do it in Mexico first.

Why -- why haven't you done that?

ALEJANDRO MAYORKAS:

I think I've addressed that issue, Senator.

JOHN KENNEDY:

You don't want to do it, Mr. Secretary. That's what it's beginning to look like. Because you think our borders ought to be open. And it would be more intellectually honest if you'd just say that.

ALEJANDRO MAYORKAS:

That is false.

JOHN KENNEDY:

I don't agree with you. You have to watch up here what people do not what they say. And everything else is just cottage cheese.

ALEJANDRO MAYORKAS:

Senator, I don't think --

JOHN KENNEDY:

Thank you, Mr. Chairman.

ALEJANDRO MAYORKAS:

I don't think that 1.4 million people who were expelled to remove last year would consider the border open.

JOHN KENNEDY:

Mr. Chairman, you've had -- or Mr. Secretary, you've had billions -- or millions coming into the country illegally, the most of the history of ever under your watch. And everybody knows that apparently except you. Either that or you're not being forthcoming with it.

ALEJANDRO MAYORKAS:

We've also had the largest number of individuals expelled or removed from the southern border. And if one takes a look at the apprehension and encounter numbers and then the removal numbers, one would have a different view.

JOHN KENNEDY:

If you do the safe third country policy, that'll solve half of your problem right there.

DICK DURBIN:

Thank you, Senator --

JOHN KENNEDY:

And you're not denying anybody asylum.

DICK DURBIN:

Thank you, Senator Kennedy. Senator Ossoff?

JON OSSOFF:

Thank you, Mr. Chairman. Welcome, Secretary Mayorkas. I'd like to discuss with you the H-2A visa program whereby as you know agricultural workers can pursue a visa legally to work in the United States to support the production of food in our country. And this is a

program, of course, that's extensively utilized by our agricultural sector.

Important for a few security But last year, a federal investigation called Operation Blooming Onion, uncovered that some farm workers who were in the country through the H-2A visa program legally to work had been subjected to human rights abuses and labor conditions so severe and inhumane that the Department of Justice deemed them to constitute modern day slavery.

So I sent you a letter on March 1st, 2022 to ask you to reform the administration of this program to ensure that farm workers, legally with an H-2A visa entering the United States would not be subjected to such appalling and inhumane treatment. And you responded, and I appreciate your response just a couple of months later and informed me that you would, in fact, undertake such reform.

And that you'd begun a rulemaking process to do so. So I'd like to ask you for an update, please, on that rulemaking process, and on the department's efforts to ensure that workers in the United States through the H-2A visa program are not subjected to these crimes and this catastrophic treatment?

ALEJANDRO MAYORKAS:

Senator, thank you very much. So two things. Number one, the rulemaking is underway, I believe. And number two -- and I can provide you with a more specific update after this hearing. But critically -- or I should say and critically, we have revised our worksite enforcement strategy for precisely the reason that you identify precisely because of what we observed in Operation Blooming Onion and tragically in other circumstances as well.

Our enforcement resources in the worksite environment are focused on investigating and prosecuting employers who exploit the vulnerability of the migrant workforce by paying them substandard wages by keeping them in substandard working conditions. Not only exploiting the vulnerable workers themselves, but also creating an unfair advantage in the Marketplace.

Because through those conditions -- through the imposition of those conditions, they charge less price -- lower prices and create an unfair competitive advantage. So it is unscrupulous employers upon whom we are bringing to bear our worksite enforcement authorities.

JON OSSOFF:

Will you please provide my office with an update? Will your staff, please provide my office with an update by the end of this week on the expected date for completion of this initial rulemaking process?

ALEJANDRO MAYORKAS:

Yes, and I should say that the worksite enforcement strategy that we announced several months ago is already underway. It does not require rulemaking. It is a matter of using our enforcement authorities and resources most effectively. And that is how we are doing so.

JON OSSOFF:

Understood. Continuing the discussion about the H-2A program and considering, in particular, the small and medium sized farmers and growers who utilize it. Recognizing that the various elements within DHS have significant resource constraints and a lot of work to do, including ensuring the fair and humane treatment of workers under this program.

DHS has proposed dramatically increasing the application fees charged by US CIS for a variety of visa programs, including for H-2A and H-2B petitions. Whereby, employers could see increases of up to 250 percent in a single year. And of course, we're in an environment where farmers are facing high fuel prices, high fertilizer prices and where Americans are facing high grocery prices.

So my question for you is in developing this proposed rule on the increase in fees for US CIS for H-2A and H-2B programs, have you consulted the Department of Agriculture? And is there some accommodation that can be made to ensure that there are not crippling fees imposed upon small and medium sized farmers who are having a tough time right now?

ALEJANDRO MAYORKAS:

So Senator, if I may? So, the fee rule to which you refer is to -- an effort to try to get US Citizenship and Immigration services back on stable financial footing. A fee rule, the adjustment of costs for immigration benefits is supposed to be revised every two years. A fee rule has not issued for more than six years, so that agency was decimated in the prior administration.

And the reason for the proposed significant increases in certain costs for certain benefits is by reason of that fact and the need to actually infuse much needed funding for that agency. It is not a rule that we promulgate unilaterally, but rather it is in the proposed rulemaking stage. We are receiving comments in response to it. And no final decisions have been made.

JON OSSOFF:



Good. Well, I want to urge you to consider the economic circumstances of those small and medium sized farmers in particular with such a sudden increase in the fees they rely upon -- the fees for the visa services that they rely upon. Let me ask you about DHS detention practices. As you know, I led an investigation in the Permanent Subcommittee of Investigations last year whose findings were deeply disturbing and indeed, horrifying.

This bipartisan investigation I led with Senator Johnson of Wisconsin found that female detainees in DHS custody detention in Georgia were subjected by a DHS contracted doctor to excessive invasive and often unnecessary gynecological surgical procedures, including in some cases without informed consent. And in November of last year, during a Homeland Security Committee hearing, you committed to me to review the findings of that investigation.

We made a number of recommendations in our report accompanying that investigation, expediting and improving vetting of offsite medical providers. And dramatically strengthening the procedures by which you ensure that DHS detainees have the opportunity to consent or not to medical services. What steps have you taken since that investigation?

ALEJANDRO MAYORKAS:

So Senator, thank you very much for the report that you and Senator Johnson led. I did indeed review that report. As I think you know, we closed the facility that was the subject of that investigation. I did direct that the recommendations be reviewed and implemented to the fullest extent possible. And I'd be very pleased to get you an updated report of the status of that implementation.

JON OSSOFF:

Well, I think that's -- that's urgent. And I want to get that information as soon as possible. We're talking about women convicted of no crime in the custody of the US government being subjected to gynecological surgical procedures that were not medically indicated often without informed consent. It's one of the -- and I do want to state for the record that that this appalling activity occurred prior to your tenure, so there was no mistaking for the public tuned in here right now.

But it is completely unacceptable that practices may persist that leave women in detention at risk of this treatment. And I'm sure you agree with me, Mr. Secretary. I want an update on what you're doing to address it. And finally, I want to talk to you about your Office of Intelligence and Analysis.

ALEJANDRO MAYORKAS:

Yes. And we are addressing that with due urgency. Because of precisely how appalling that conduct was and what was going on in that facility, we closed that facility.

JON OSSOFF:

I know you did. And I want to make sure that there are practices being implemented across DHS detention facilities to ensure that can never ever happen again, so I look forward to that update. I want to ask you about your Intelligence and Analysis office. There has been recent reporting about problems at the DHS Office of Intelligence and Analysis.

I don't think that the Congress has sufficient visibility into its activities. Among the conduct alleged in this public reporting with

respect to domestic intelligence gathering by the Office of Intelligence and Analysis, interviews with individuals in detention centers, local jails and federal prisons without counsel present.

That was one of the allegations made in public reporting. This is deeply troubling. And I don't think that there is very intense Congressional oversight of this office. Is there a problem? What are you doing to address and identify the problem? And what does the Congress need to know?

ALEJANDRO MAYORKAS:

So Senator, the Office of Intelligence and Analysis is led by a phenomenal public servant. And Ken Wainstein, he's the undersecretary. He has a tremendous experience. He was the Homeland Security advisor to former President Bush. When you speak of the interviews of individuals in custody who are in the impending legal proceedings, he suspended that practice.

It was a practice that was implemented first in the prior administration. He suspended that practice. And he is really doing a phenomenal job in ensuring that the practices of I&A, the Office of Intelligence and Analysis adhere to our laws as well as to our fundamental principles of protecting the civil rights and civil liberties as well as the privacy --

JON OSSOFF:

Were there interviews of US persons -- where their interviews of US persons in federal prisons or local -- local or state jails without counsel present by I&A personnel?

ALEJANDRO MAYORKAS:

I -- I believe that there were. And that was not necessarily always improper, but the practice was suspended because of concerns with respect to it. But I must say, Senator, that the personnel of the Office of Intelligence and Analysis are incredibly dedicated and incredibly principled in the execution of their responsibilities.

Thank you, Mr. Secretary.

DICK DURBIN:

Thank you, Senator Ossoff. Senator Blackburn?

MARSHA BLACKBURN:

Thank you, Mr. Chairman. Before I begin my questions today, I do want to express my heartbreak at what happened yesterday in Nashville at Covenant School and Covenant Presbyterian Church. And my family and I are grieving along with the rest of the community. And I thank you, Mr. Secretary, for your call yesterday and your kind remarks today.

And violence against children is just one of the most heinous crimes. And the families, there at Covenant Pres. and Covenant School, I just grieve for what they're going through. We have to work to protect children at school. And that means increasing security. And I have and I have had legislation that would allow for training and hiring of veterans and former law enforcement officials to serve as school safety officers and to help protect our schools.

It is time for us to pass that and to help keep our children safe. I'd like to turn to the questions that are in front of us today, Mr. Secretary. Thank you for your patience today. I want to go to this issue of human smuggling. And under this administration, the human smuggling

business has gone from being a \$500 million a year business to a \$13 billion a year industry.

And we heard from Secretary Becerra last week at our Senate Finance Committee. And we've got 85,000 unaccompanied alien children, migrant and children who have been released in the US. The HHS has lost track of these unaccompanied children. So, my question to you is this, how many of these children are being trafficked?

How many of these children are being put into the sex trade? What are you doing to try to find these children? And when you look at what is happening to women and children, do you all understand that it is the policies of this administration, what you're doing on the border, that is causing 85,000 children to be lost?

Can't find them. And not knowing if they're being trafficked put in gangs put in the sex trade. So, what are you all doing to find these children? And do you understand that it is the policies that is causing this?

ALEJANDRO MAYORKAS:

Senator, let me -- let me share with you what we are doing to address the scourge of human smuggling and human trafficking. And let me say with respect to the unaccompanied children, and this will echo what I shared with Senator Ossoff just a moment ago. With respect to unaccompanied children, when we receive them at the border, it is legal obligation to release them to the care of the Department of Health and Human Services within --

MARSHA BLACKBURN:

That's right. And now they cannot find them. 85,000.

ALEJANDRO MAYORKAS:

Within 72 hours. And so what we do, is we release --

MARSHA BLACKBURN:

Is that an acceptable number?

ALEJANDRO MAYORKAS:

Oh, absolutely not actually.

MARSHA BLACKBURN:

Right. So what --

ALEJANDRO MAYORKAS:

So let me -- let me share with you. So, we release them. One of the reasons -- one of the reasons why we are devoting our worksite enforcement resources and energies on unscrupulous employers is precisely for the reason that you identify. We must hold accountable employers who engage in child --

MARSHA BLACKBURN:

OK. I appreciate that. Let's look at --

ALEJANDRO MAYORKAS:

With respect --

MARSHA BLACKBURN:

Yeah.

ALEJANDRO MAYORKAS:

With respect to the border.

MARSHA BLACKBURN:

Yeah. And let's look at -- let's look at it this way.

ALEJANDRO MAYORKAS:

Two efforts we have underway. One, is we are taking it to the smugglers in an unprecedented --

MARSHA BLACKBURN:

They haven't gotten that message.

ALEJANDRO MAYORKAS:

Oh, yes -- Oh, yes, they have. We have --

MARSHA BLACKBURN:

I -- I beg to differ. Because the situation, it is now a \$13 billion a year business. When you go to that border, as I have done, and when you talk to women that have been trafficked and have gotten themselves out and have been raped repeatedly, there is a sexual assault epidemic going on, on that border?

And it is because of the policies of this administration.

ALEJANDRO MAYORKAS:

Senator --

MARSHA BLACKBURN:

And it is so --

ALEJANDRO MAYORKAS:

Senator, it is because of the heinous exploitation of the smuggling organization that --

MARSHA BLACKBURN:

And what is incentivizing that?

ALEJANDRO MAYORKAS:

Do not care. The do not care.

MARSHA BLACKBURN:

That's right. That's exactly right. And you and I agree on that. They do not care about human life. They see people as a product and a way to make a buck.

ALEJANDRO MAYORKAS:

Yes, ma'am.

MARSHA BLACKBURN:

Because they are billion-dollar businesses. They have -- and let me turn to the fentanyl epidemic, because we've all talked about this. And I'm hearing from some of my sheriffs now that from -- well, from a border town sheriff that fentanyl, a pill now is down to about five cents because they've teamed up with the Chinese scientists.

They're making these in the labs with the cartels. And I think that you've talked a little bit about the fentanyl today, but you really don't have an estimate of how much is truly coming over that border. And



we know that you're saying that they are catching about 95 percent of that. But what I have heard is what you're giving us is the CBP numbers.

You're not giving us the numbers that are coming from air and marine operations. You're not including the Coast Guard. You're not including the DEA. And you're not including what is found by state and local law enforcement. So why won't you look at the holistic number of what everybody is finding?

ALEJANDRO MAYORKAS:

Oh, Senator, the -- the scourge of fentanyl is something that we do not in any way underestimate. Let me, if I may, share with you. As I mentioned earlier, I served as a federal prosecutor for 12 years. I prosecuted cocaine --

MARSHA BLACKBURN:

Yes. No, you're not answering my question.

ALEJANDRO MAYORKAS:

No, if I can.

MARSHA BLACKBURN:

And I've only got three minutes left.

ALEJANDRO MAYORKAS:

If I can. We --

MARSHA BLACKBURN:

Why are you not -- just why do you not include what everybody is find  
-- state and local law enforcement --

ALEJANDRO MAYORKAS:

Oh, we do. Look at the --

MARSHA BLACKBURN:

-- the DEA, the marine?

ALEJANDRO MAYORKAS:

We do. We do. Senator, the question that was posed to me was, with  
respect to the southern border and how fentanyl is trafficked into the  
United States.

MARSHA BLACKBURN:

OK. I need to move on.

ALEJANDRO MAYORKAS:

And the vast majority of it --

MARSHA BLACKBURN:

But if you will --

ALEJANDRO MAYORKAS:

-- is brought in through the ports of entry.

MARSHA BLACKBURN:

No, sir. I beg to differ with that. When you talk to Border Patrol and  
you talk to local sheriffs -- I would like to get from you, in writing, a

total number of what you are finding, not only from CBP, but also from the air and marine operations, the Coast Guard, the DEA, and state and local law enforcement.

Let me move on, about the got aways, because we've had over 1.2 million migrants that have evaded authorities and have come into the country illegally. And it is of concern to me when I hear you all try to make illegal, legal. There's an app for this, and allowing people to continue to come in illegally.

Now ICE arrested 220 illegal immigrants in nine days that had criminal convictions of rape and murder. Now it doesn't take rocket science to go figure out that in those 1.2 million that are unknown got aways or known got aways, that number that have disappeared in our country, that you've got murderers and criminals and rapists that are in that number -- the got aways.

So how many of those have made it into Tennessee? How many are in our communities? How many are in our streets? Are you all tracking these or have you lost them like the 85,000 children?

ALEJANDRO MAYORKAS:

Senator, I would say -- I would say two things. Number one, we are intensely focused on securing the border, as I have testified earlier.

MARSHA BLACKBURN:

OK. Then --

ALEJANDRO MAYORKAS:

Number one, and number two, I think it's very important not to paint with a broad brush, individuals who come to the United States. And so

--

MARSHA BLACKBURN:

Well, I think it's important to note what Border Patrol is telling us. If you're intent on securing the border, then you spend \$50 million a year to caretake the -- the items -- components from the border wall project that was in the previous administration. A border wall -- by the way, the Border Patrol has been asking for a physical barrier for decades, I think about 30 years, in total.

So instead of wasting that money to do nothing with the construction material, why don't you use those remaining materials and that \$50 million and fill in the gaps in this wall so that the Border Patrol has a physical barrier that they need?

ALEJANDRO MAYORKAS:

Senator, I have approved the vast majority of the projects to close the gaps and complete the gates, with respect to the funding that we received.

MARSHA BLACKBURN:

Mr. Chairman, I have one other question, on Chinese nationals, that I will submit for a written answer. Thank you.

DICK DURBIN:

Thank you, Senator Blackburn. Senator Tillis.

THOM TILLIS:

Good afternoon, Secretary Mayorkas, How's your day going?

ALEJANDRO MAYORKAS:

Good afternoon, Senator.

THOM TILLIS:

I -- I think I'm going to be the last one to speak. I want to start just by thanking Senator Ossoff. I've been working with him on the H-2A issues. I think that it's a struggle every year with just the execution of that program. And I am a bit concerned, I'm not going to ask you to respond, a bit concerned with casting the users of the H-2A program.

I don't think you meant it, but I could have inferred, that they're all bad actors. Speaking for North Carolina, I think housing, workplace safety, compensation is competitive and done appropriately. So I hope as you go about any kind of changes there, we don't paint all of the players in agriculture with the same broad brush.

ALEJANDRO MAYORKAS:

Absolutely. Absolutely, Senator.

THOM TILLIS:

I think it is critically important, because we could have some unintended consequences that are hurting farmers.

ALEJANDRO MAYORKAS:

Absolutely.

THOM TILLIS:

And we need to recognize that tomatoes grow anywhere, blackberries grow anywhere And if we don't get the wage rate right, they won't

grow in the United States. So we've got to be very, very surgical in our approach. We're about to become a net importer of food in this country, for the first time in its history.

And I believe a part of it is the unfriendly environment that has been a bipartisan, multi-administration, failure I think, in terms of getting it right. But I'll do questions for the record, I'd like to meet with you. By the way, you did well at the -- at the Munich Security Conference.

ALEJANDRO MAYORKAS:

Thank you, sir.

THOM TILLIS:

I watched you on a panel.

ALEJANDRO MAYORKAS:

Thank you, Senator. I must say, because it is -- I really want to make sure --

THOM TILLIS:

If we do have time allowing. I want to get to --

ALEJANDRO MAYORKAS:

OK.

THOM TILLIS:

-- I got a few more. I think we will with a ten minute round. But I did want to correct, for the record. I think you ask a question, or answer a question to Senator Lee about, you didn't have any intent to reduce the tension. But the acting director testified for House Appropriations

Homeland Security and said that ICE wanted to reduce bed space from 36 to 25. Can you reconcile that for me? Or from 36,000 to 25,000?

ALEJANDRO MAYORKAS:

Yes, I can. I think that is addressing the fiscal year 2024 president's budget. And what we've done is we've presented a baseline in the budget, but we've also sought an appropriation for a \$4.7 billion southern border contingency fund --

THOM TILLIS:

OK.

ALEJANDRO MAYORKAS:

-- because of the dynamism of the border, and -- and the situation there.

THOM TILLIS:

The surge at --

ALEJANDRO MAYORKAS:

And so, yes, so we would seek --

THOM TILLIS:

On -- just on the -- on the basic question.

ALEJANDRO MAYORKAS:

-- the additional funds.

THOM TILLIS:

Because I don't want to have clarification for Senator Lee's time, cutting them on too much. But just for the basis of clarification, I'd like to know, based on the budget, what ICE's position is now, with what I think is roughly 36,000. Do you in -- do you expect to see that go down, based on the administration's priorities?

Now I want to talk -- I want to get sanctuary cities and a few other things. 4.9 million encounters with illegal immigrants -- we know that some of those are double counted, because there are multiple crossings. 1.2 million got away -- these are folks who came here, did not present themselves, did not want to be processed, many of them.

They wanted to get into this country and escape apprehension. I've been to the border several times. Most of the people that come across the border, they follow the arrow from the Rio Grande River. They go to a processing facility. They go through a process that's overwhelmed. But 1.2 million got away, based on my numbers.

If they're different, you could submit it -- to it -- for a question, for the record, over the past couple of years. 600,000 illegal immigrants released into the country without monitoring. Again, we won't debate back and forth. I would just like to say if that's roughly the number that you all are working with.

285,000 released into the country with some sort of electronic monitoring, about 27,000 in detention, and 890 deaths in 2022 of people trying to cross the border. I saw one of them being taken out of the -- out of the Rio Grande River in one of my last visits over the past year and a half. Mr. Chair, I'd like to submit for the record, an article that was published in The Wall Street Journal.



It's titled, It's Like a Graveyard, Record Number of Migrants are Dying at the US border.

DICK DURBIN:

Without objection.

THOM TILLIS:

We have a problem at the border. And I think you may acknowledge some of that. But you fall short of calling it a crisis. These numbers look to me like a crisis, without any viable strategy, moving forward. I believe that the cartels, it's been reported that the cartels are making as much as \$800 million a year in their human trafficking operation, with the tolls that they -- that they charge people.

Some are paid before they cross the Rio Grande River. Others are paid once they get here, and they enter into modern day indentured servitude, paying back the cartels for the toll over here. And we're seeing estimates ranging and we're from \$5,000 to \$50,000, depending upon your country of origin. If I have time, I'll get back to that.

Sanctuary cities -- ICE, do you consider ICE a law enforcement agency?

ALEJANDRO MAYORKAS:

Yes, I do.

THOM TILLIS:

Do you consider a lack of cooperation among law enforcement agencies as being a potentially hazardous step to take?

ALEJANDRO MAYORKAS:

Yes, I do.

THOM TILLIS:

Do you believe that sanctuary cities is a case example of where local law enforcement refuses to cooperate with ICE?

ALEJANDRO MAYORKAS:

Senator the term sanctuary city means different things in different places.

THOM TILLIS:

Well I -- I'm just referring to legislation and policies that were passed in my state, where they used it. But it is a -- it --

ALEJANDRO MAYORKAS:

I -- I do not -- I do not agree when a --

THOM TILLIS:

[Inaudible] it out -- it's, like, I think a week or so ago, where we had three, illegal immigrants from Romania. They were arrested and charged with obtaining property under false premises, and one was charged with sexual battery of a minor. Thankfully, in this jurisdiction, they did detain them. ICE was allowed to do their job.

I've got over three million people, in a state of 10 million, three million people living in sanctuary jurisdictions, which is why I proposed, and will propose again, a violence for victims of sanctuary cities. And it's fairly simple. It says, that if a local government entity

has a sanctuary policy, call it whatever you want to, refusing to cooperate with ICE policy, we'll call it that.

Because that is fundamentally what they're doing -- I feel like they should be held accountable if their actions produce harm -- if someone gets murdered, like somebody did in the Charlotte area, with somebody who was -- could have been transferred to ICE -- are countless examples across the country. I simply want a private right of action for the aggrieved party, or their survivors, in the event of death, to be able to sue that governmental entity.

Now It's fairly straightforward to me. If the policies are fair, if they're safe, then they've got nothing to worry about. And then if they declare immunity, then they'll be denied federal funds for law enforcement. So make a decision. But don't have the risk of safety -- and this is not your problem. I'm saying this to the people in North Carolina and across the country that are implementing these policies.

You are destroying good order and discipline among various levels of law enforcement. They are, you are not. They are destroying it. And I think that their actions have to have some legal recourse. Now, have there been any communications with -- to what extent have you -- are people up in the organization communicated to these jurisdictions that a blanket sanctuary city policy is not helpful to homeland security?

ALEJANDRO MAYORKAS:

Senator, this is something that I have spoken with Immigration and Customs Enforcement, ICE, and CBP extensively. I do not agree --

THOM TILLIS:

How many ICE detainers have been issued since January --

ALEJANDRO MAYORKAS:

I do not -- I'd have to take a look at that one.

THOM TILLIS:

-- of 2021?

ALEJANDRO MAYORKAS:

I'd have to take a look at that. Senator, I do not --

THOM TILLIS:

Could I get that for the record, the number of ICE detainers?

ALEJANDRO MAYORKAS:

Yes.

THOM TILLIS:

And what I'm particularly interested in, is granularity -- the number of ICE detainers, the basis for the detainer requests, and the disposition of that request by local entities. Can I get a commitment to get that information?

ALEJANDRO MAYORKAS:

Yes, Senator. And I -- I want you to know that I share your concern when a local jurisdiction has an individual or has information that would benefit the public safety of the community and does not share that information with Immigration and Customs Enforcement.

THOM TILLIS:

Yeah, and we should be clear that I'm not talking about somebody who got into a fender bender. I'm talking about people that may be in there for sexual assault -- we know they're in there for that -- for trafficking or any number of other poten -- violent or potentially violent crimes. So I need that information, because I want to put pressure on local governments in the state of North Carolina saying, if you want to do this, I want you to be held accountable.

And to be held accountable, we need to pass the Justice for Victims of Sanctuary Cities Act. Now I want to talk about the transnational criminal organization. I didn't know this till today. I looked it up. Did you know that police go to the cartel translates into stoned. Literally, it's a -- it's an informal adjective.

So that translates into the new stoned generation. One of the two cartels that cover the -- the breadth of the northern border, they're making \$800 million a year. I've seen their agents across the Rio Grande, when I'm there at midnight, 1:00, saying we're coming. We are aiding and abetting one of the most profitable lines of business, these thieves and these murderers have going.

We have a crisis at the border. And like Senator Welch, I'm not someone who's just saying secure the border. I'm also saying someone please fix the broken asylum system and the immigration system, even touching on what Senator Ossoff has discussed. But until we have consensus that we have a crisis, we have to work on a bipartisan basis.

For those who, say, secure the border, not willing to talk about immigration, they're going to allow another six to 10 million people come in before we fix it over the next five or eight years. For those who

say we don't have an immigration problem, there's just too many facts to -- to argue against it. So Mr. Mayorkas, if I could especially get the information that I want on the ICE detainers, and then we're going to continue to work on the crisis at the border and -- and hopefully make some progress.

It's unsafe for the American people. It is causing the deaths of untold numbers of people making the dangerous journey. And I could go a long way, and I won't, because I've already got the gavel tap, on asylum reform. And I believe if we want to look at asylum reform differently, we need to look at our treaty obligations and we need to say it needs to go further upstream than just what we do. And when I see fact patterns where people are moving through two or three or four nations that they could apply for asylum at before they get to the United States, that looks a lot to me like an exploitation of our asylum policy.

Thank you, Mr. Chair.

DICK DURBIN:

Thank you very much, Senator Tillis. And thank you, Mr. Secretary. You've given us four hours. And I know that some of the questioning has been tough and challenging. I do believe the majority of Senators on both sides of the table have been professional and respectful on a very controversial and tough subject.

I apologize for those who were not. I can't control them with this. I'll do my best. We're going to have questions for the record. They'll be submitted by 5 p.m. on Tuesday, April 4th. We hope you can answer on a timely basis. And with that, the hearing stands adjourned.

ALEJANDRO MAYORKAS:

Thank you, Mr. Chairman.

#### **List of Panel Members and Witnesses**

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SEN. DICK DURBIN (D-ILL.), CHAIRMAN

SEN. DIANNE FEINSTEIN (D-CALIF.)

SEN. SHELDON WHITEHOUSE (D-R.I.)

SEN. AMY KLOBUCHAR (D-MINN.)

SEN. CHRISTOPHER COONS (D-DEL.)

SEN. RICHARD BLUMENTHAL (D-CONN.)

SEN. MAZIE K. HIRONO (D-HAWAII)

SEN. CORY BOOKER (D-N.J.)

SEN. ALEX PADILLA (D-CALIF.)

SEN. JON OSSOFF (D-GA.)

SEN. PETER WELCH (D-VT.)

SEN. LINDSEY GRAHAM (R-S.C.), RANKING MEMBER

SEN. CHUCK GRASSLEY (R-IOWA)

SEN. JOHN CORNYN (R-TEXAS)

SEN. MIKE LEE (R-UTAH)

SEN. TED CRUZ (R-TEXAS)

SEN. JOSH HAWLEY (R-MO.)

SEN. TOM COTTON (R-ARK.)

SEN. JOHN KENNEDY (R-LA.)

SEN. THOM TILLIS (R-N.C.)

SEN. MARSHA BLACKBURN (R-TENN.)

WITNESSES:

SECRETARY OF HOMELAND SECURITY ALEJANDRO  
MAYORKAS

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